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THE INFLUENCE OF  
GEORGE III

on the

DEVELOPMENT

of the

Constitution

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By

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## NOTE

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# CONTENTS

CHAP.	PAGE
I. Introductory . . . . .	5
II. George III's System of Personal Government: his Relations with his Ministers and the Growth of the Cabinet System . . . . .	12
III. George III's System of Personal Government ( <i>continued</i> ): his Relations with Parliament and the Electorate . . . . .	30
IV. The Changes in the Constitutional Status of the Crown since 1785 . . . . .	42
V. The Democratic Movement, 1760-1832 . . . . .	49
VI. George III and the Democratic Movement . . . . .	56
VII. Conclusion . . . . .	70
Appendix I. Letters of George III . . . . .	75
Appendix II . . . . .	78
Appendix III. On Authorities . . . . .	81

## ABBREVIATIONS

The following abbreviations are used in referring to authorities :—

Lecky, for Lecky's *History of England in the Eighteenth Century*.

Anson, for Anson's *Law and Custom of the Constitution*.

May, for May's *Constitutional History since 1760*.

Hunt, for Hunt's *History of England, 1760-1801*.

Porritt, for Porritt's *The Unreformed House of Commons*.

*Geo. III Corr.*, for *George III's Correspondence with Lord North, 1768-1785*, edited by W. B. Donne.

Buckingham, for *Courts and Cabinets of George III*, edited by the Duke of Buckingham.

*Rockingham Mem.*, for *Memoirs of the Marquis of Rockingham*, edited by the Earl of Albemarle.

*Chatham Corr.*, for the *Chatham Correspondence*, edited by Taylor and Pringle.

*D.N.B.*, for *Dictionary of National Biography*.

*E.H.R.*, for *English Historical Review*.

*Amer. Hist. Rev.*, for *American Historical Review*.

*Trans. R. Hist. Soc.*, for *Transactions of the Royal Historical Society*.

*P.R.O.*, for Public Record Office.



## CHAPTER I

### *Introductory.*

THE reign of George III is a period of transition in the development of the English Constitution. It marks the close of the system of government established by the Revolution of 1688 and ushers in the modern period of popular government. The Revolution was by no means the culminating point in constitutional development. The seventeenth century had been a period of delimitation in the powers of the various elements in the Sovereign body—‘the Crown in Council in Parliament’. But the settlement arrived at in 1688 was not final. Power was transferred from the Crown in Council to the Crown in Parliament, but in this as in other respects the settlement was a compromise. The monarchy was ‘limited’: it was placed under the law. But the king did not at once become, nor was he designed to be, ‘the motionless representative of the monarchical principle’, or ‘an expensive but otherwise inoffensive capital to the social column’—as he has since been variously termed. The monarch retired more into the background: he might almost be said to have surrendered the appearance of power, so as to keep the substance. The decline in the royal power since 1688 has not been achieved by revolution but by evolution. It does not date either from the disuse of the so-called veto in William III’s reign, or from the Hanoverian Succession. The accession of a foreign line of princes reduced the Crown for the time being to a position akin to that which it occupies

at the present time. But this was due to transitory circumstances: to the alien character of the new royal house, its obligations to the Whig party, the complete supremacy of that party in political life owing to the suspected Jacobite tendencies of the Tories, and to the monopoly of political power in the hands of a few great families. Much of the effect produced by the Hanoverian Succession disappeared on the accession of George III with the ensuing reassertion of the royal authority.

It is to the development of the Cabinet that the changes in the balance of forces in the Constitution may very largely be attributed, and the relations of the king to the Cabinet mark the existence and decline of the personal and active influence of the Crown in the initiation of national policy. The modern cabinet system is of comparatively recent growth. The necessary conditions for its development were non-existent until the Revolution of 1688. The statesmen of that time did nothing to weaken Sovereignty; they weakened the king's power but increased that of the Crown.<sup>1</sup> Sovereignty has indeed grown with popular representation and the development of an active public opinion. What has changed is the body that exercises the sovereign power. It is still technically the Crown in Parliament, but the power of the Crown which the Revolution strengthened is no longer exercised by the king but by that group of ministers of the Crown which is called the Cabinet. The problem created in the sixteenth century by the monopoly of both legal and political sovereignty by the Crown in Parliament, and the decay of mediaeval restraints, was not solved by dividing or limiting sovereignty, but by keeping it intact and entrusting it to

<sup>1</sup> Pollard, *The Evolution of Parliament*, p. 233.

ministers responsible to the electorate for every detail of its exercise.<sup>1</sup> During a large part of the eighteenth century, when politics had degenerated into a scramble for office amongst a set of family groups, no true system of cabinet government could be evolved. The rise of the minister and his encroachment upon the powers of the Crown after the Hanoverian Succession were due to the peculiar circumstances of the time. With the death of George II these circumstances, which had given rise to this temporary development of ministerial power, no longer existed, and there came to the throne a prince who was free from the trammels which had weakened the personal authority of his two predecessors. The reign of George III witnessed a reaction against the Whig monopoly of power. This was followed, in the later years of the reign and in the reigns of George III's successors, by a counter-reaction which had permanent results, leading to the full establishment of the modern cabinet system, and of the complete responsibility of ministers to Parliament for all acts of the Crown. The final delimitation of the powers of king and council was thus accomplished.

The incompleteness of the revolutionary settlement of 1688 in restricting, politically, the power of the Sovereign body is shown, also, by the fact that, whatever else it effected, it did not establish responsible government in England—in the sense attached to the phrase at the present time. For in that sense responsible government involves the responsibility of the Legislature to the people—or, to use more accurate language, to the declared will of the majority of the electorate—as well as that of the executive to the Legislature. No popular

<sup>1</sup> *Ibid.*, p. 234.

self-government is possible unless the Legislature is responsible to the community; and it was in that respect that the Revolution was most defective.<sup>1</sup> The constitutional struggle of the seventeenth century resulted in limitations being placed on every side to the freedom of the Crown, but none were imposed on that of Parliament. For the next hundred years the House of Commons asserted an independence and irresponsibility as great as that which the Stuarts had claimed for themselves, and the exclusive spirit remained in both Houses during the eighteenth century. Whatever in any way tended to prove that members were responsible to some extra-parliamentary authority became a matter of privilege and was received with contumely. The report of debates, the publication of division-lists, and expressions of opinion unfavourable to the House of Commons were placed in this category and were subjected to severe repressive treatment. The Commons, moreover, claimed the force of law for their resolutions—in the matter, for instance, of the disfranchisement of electors. They also decided disputed elections by party votes in the House; and on one noted occasion they disqualified a member who had been duly elected, and declared instead the defeated candidate to be the properly elected representative for the constituency.<sup>2</sup> The Revolution had trans-

<sup>1</sup> Pollard, *The Evolution of Parliament*, p. 337. The Revolution, however, was only defective from the modern standpoint, not from that of contemporary opinion. The Whigs of 1688 had no intention whatsoever of producing a legislature responsible to the electorate. The Revolution was an aristocratic Revolution, not a democratic one: it substituted government by a 'Venetian oligarchy' for government by the arbitrary will of the Crown.

<sup>2</sup> In 1768 John Wilkes was three times elected for Middlesex, and was three times expelled from the House and disqualified from sitting. On the third occasion the House declared another candidate, Colonel Luttrell,

ferred power from the Crown to Parliament, but not from Parliament to the people. Elections were merely a question of a choice of masters, not a decision of policy, nor a conflict of principles: 'ministers were changed, policies adopted and discarded, war declared and peace made, without the least reference to the electors'.<sup>1</sup> Thus did the Whigs show the limited nature of their principle of 'civil and religious liberty'. It certainly did not imply to them any form of popular government with a share in its control to every man, for in the eighteenth century not one Englishman in fifty possessed a vote, and, until George III had somewhat disturbed their comfortable and secure tenure of power, the Whigs as a whole were averse to any extension of the franchise. 'Liberty' had not been secured, as the Whigs imagined, in 1688 when Parliament controlled the Crown, nor could it be secured until the nation gained control of Parliament.

This exclusiveness and irresponsibility of Parliament, and its independence of the electorate, were the essential features of the eighteenth-century phase of the English polity. George III, like the clever strategist that he was, took full advantage of the peculiar political and constitutional circumstances of his day. He was thereby able for a time to carry out successfully his policy of reviving the dormant importance of the royal power and to defy extraneous agitation and discontent. Such being the condition of Parliament, and such the royal policy, it was a natural consequence that popular excitement and indignation should have been aroused, and

to have been elected, though he had only received about one-quarter of the votes which had been cast for Wilkes.

<sup>1</sup> Pollard, *The Evolution of Parliament*, p. 339.

that they should have found expression in a demand for a radical change in the character and composition of the House of Commons. This demand was first asserted in the earlier years of the reign. Its accomplishment was, however, postponed for a generation. This postponement was not merely the result of Blackstonian optimism and of Eldonian conservatism, nor yet merely the result of the revulsion of feeling against reform which swept through the country during the French Revolution. But, as the following pages will attempt to show, it was caused as much as anything else by the resolute and constant opposition of the king. The reformers won their first great triumph in the Act of 1832; their latest they achieved in 1917 by the enfranchisement of women. During these eighty-five years the task of making the Legislature as far as possible responsible to the people—the ‘legal sovereign’, the Crown in Parliament, to the ‘political sovereign’, the electorate—was successfully accomplished.

It may, therefore, be seen that constitutional developments since 1688 have completed that process of defining the relative powers of the component parts of the sovereign body which the Revolution left unfinished. During the eighteenth century the two Houses of Parliament were co-ordinate bodies: the modern supremacy of the House of Commons was a development of the last century and was the inevitable result of the growth of popular government. The same is true of the almost complete eclipse of the royal authority, the immense power of the Cabinet, its responsibility to the Legislature, and the responsibility of the Legislature to the electorate. Herein lies the importance of the reign of George III in constitutional history. It was a period of climax and a

period of small beginnings. It was a period of climax because it witnessed the culmination and the decline of the system of government by small family groups of great landowners. It was a period of small beginnings because it saw the birth of many of the main political and constitutional developments of the last hundred years. That is to say, it witnessed the transformation in the complexion of the State which, aristocratic in the eighteenth century, became democratic in the nineteenth. To many observers of the time, amongst whom was Burke, the reign was mainly marked by a revival of the royal influence, a reaction against the Whig monopoly of power, and a revival of the Tory party. To them it appeared as if the Constitution, which the struggles and trials of the seventeenth century had established, was being overthrown. To students of history, however, it is now evident that a process was already at work which was destined to undo all that George III had accomplished, and to complete the constitutional development which the Revolution Settlement had left unfinished. This process was that advance towards democracy, that transference of ultimate political power from both the king and the aristocracy to the electorate, which has affected, if not actually determined, every subsequent constitutional change.

The object of this brief summary of English constitutional history of the eighteenth century has been to fit the reign of George III into its right place—to give it a true perspective as regards both previous developments and subsequent changes. It is now necessary to examine in detail the personal action of George III in constitutional matters—to estimate his position and importance, as well as that of his reign, in English constitutional history.

## CHAPTER II

### *George III's System of Personal Government : his Relations with his Ministers and the Growth of the Cabinet System.*

GEORGE III came to the throne imbued with ideas fundamentally opposed to the system of government which he found in existence. It was a system whereby ministers had become the real governing body. They were to a very large degree the nominees of a party, and the king had at times been compelled to forgo his personal wishes in their appointment,<sup>1</sup> his choice being of necessity limited within the comparatively small compass of a few Whig families, who were thus able if united to impose their own terms. These ministers, supported by an all-Whig House of Commons, had gained control of the vast sources of the Crown's influence ; they had dispensed its patronage and applied its Secret Service money and Pension list to electioneering expenses and to other forms of bribery with but little reference to the king's personal wishes. Policy had become a matter for the discussion and determination of the Cabinet, the king seldom exercising much influence on its decisions. A system of this kind was not likely in the eighteenth century to be pleasing to a king with energy, courage, and interest in public affairs.

<sup>1</sup> e. g. in 1745, when George II was compelled to restore the Pelhams to office after unsuccessful attempts to form a new administration under Carteret and Pulteney.



Such a king was George III. His reign was a reaction—an attempt to return to what was conceived to have been the true conditions of the Revolution Settlement—and the system existent under his grandfather he very reasonably regarded as due to the usurpations of the Whig ministers and their party. George, fresh from the education given to him by his mother and his tutor, the Earl of Bute, and inspired by the study of Bolingbroke's writings and Blackstone's *Commentaries*, began his reign with well-formed ideas about the duties and status of his royal office.<sup>1</sup> He determined to reassert the personal influence and authority of the Crown, to undertake personally the chief administration of affairs, and to direct the policy of his ministers. The chief obstacle to such a scheme was the established authority of responsible ministers, upheld by party connexions and parliamentary interest. He sought to achieve his aim by breaking up and overthrowing the Whig oligarchy, together with the mainstay of its power, the party system, by substituting divided administrations, composed largely of members from the revived Tory party, and by taking into his own hands the dispensing of Crown influence, which was thenceforth applied very extensively. The revival of the Tory party was a natural step to take, for one cause of the depression of the royal power had been the long exclusion from office of the party which had in former days most highly exalted the royal prerogative. The necessity for a mixed government had been strongly urged by Bolingbroke, who advised the disregarding of the old party distinctions and the building up of the royal authority on their decay.<sup>2</sup> A government of this

<sup>1</sup> See, *inter alia*, *D.N.B.* xxi. 173.

<sup>2</sup> See Bolingbroke's essay, *On the Idea of a Patriot King*; also Leslie

type would be no coherent or homogeneous whole, but would consist simply of heads of departments without regard to their several differences of opinion: the king himself would be the unifying and controlling force, determining the general policy to be pursued.

The struggle for power occupied the first ten years of George III's reign. Its main feature was the remarkable success that attended the very first effort to divide and overthrow the Whig oligarchy. The seeds of disunion had certainly been sown before George's accession; but the way in which he cultivated them and stimulated a feeling of suspicion and estrangement between Newcastle and Pitt showed in a young man of twenty-three an extraordinary aptitude for political tactics. Within a year he was able to divide, and finally to rid himself of, the Administration. The work of destruction, however, proved to be easier than the work of construction. The first object having been achieved, the second one—the setting up of a government in accordance with his autocratic ideas—proved a task of considerable difficulty. An essential feature in his scheme was that his chief adviser should be a man easily influenced by the royal authority, ready to surrender his own opinions at the king's demand, and prepared to carry out the royal will. Such a man was not easily found, for it was necessary that he should at the same time be a distinguished and influential statesman who could be relied upon to maintain the indispensable majority in the House of Commons. The Earl of Bute, the high priest of the new political cult, lacked this latter qualification, and was altogether too unpopular and too slenderly equipped for the task.

Stephens, *History of English Thought in the Eighteenth Century*, ii, 176-8.

George Grenville, at first seemingly the very instrument required, proved much too opinionated, independent, and stubborn. The Rockingham Administration which followed was only an evil necessity to be tolerated for a time. Then came the famous Chatham experiment, which Burke has portrayed so vividly.<sup>1</sup> This was an avowed attempt to root out the party system and to establish in its stead government by divided, incoherent administrations which would place no obstacle between the king and his object.<sup>2</sup> In the Chatham Ministry all the main features of the modern cabinet system were absent save one: in common with all cabinets and administrations it was dependent on the majority in the House of Commons. Otherwise there was no political homogeneity, no mutual responsibility, and no common acceptance of the leadership of a 'First Minister'.<sup>3</sup>

This attempt also, however, was a comparative failure, due partly to the prolonged absence of Chatham and the incompetence of his successor, the Duke of Grafton. In 1770 the task was put into new hands. The Ministry of Lord North came into office, and during its twelve years of power the king witnessed the complete success of his plans: he had humbled and greatly weakened the Whig party; he had at last found the minister for whom he

<sup>1</sup> According to Burke, this Ministry consisted 'of patriots and courtiers, king's friends and Republicans, Whigs and Tories, treacherous friends and open enemies'. *Speech on American Taxation Works*, ii, 420.

<sup>2</sup> See *Chatham Corr.* iii, 137: the king wrote that 'the end proposed at the formation of the present administration' was 'to rout out the present method of parties banding together' which could only be obtained 'by withstanding their urgent demands, as well as by the engaging able men, be their private connection where they will'.

<sup>3</sup> According to Burke, when Lord Chatham 'had accomplished his scheme of administration, he was no longer Minister'. *Speech on American Taxation*.

## 16 *George III's Relations with his Ministers*

had sought<sup>1</sup>; and he had gained that decisive voice in public affairs which he had been taught should be his. At this point then, at the zenith of George III's period of personal rule, it is expedient to examine the new system and the way in which it affected the relations between the Crown and its ministers.

The place of the minister in George III's system was not likely to please Whigs who remembered the days when 'Ministers were kings in this country'.<sup>2</sup> George was no autocrat in the ordinary sense of the word—he never aimed at becoming sole ruler; but he had many of the marks and characteristics of autocracy, and in nothing more than in his relations with his ministers. A prominent feature in all forms of autocratic governments is the peculiar position of the minister: he is a confidential servant, and like many such servants he is both powerful and weak at the same time—powerful as against the subjects of the sovereign, weak as against the sovereign himself. This is not unlike the status to which George III attempted to reduce his over-powerful ministers.<sup>3</sup>

The strategical principles, so well recognized in war, of separating opponents in order to destroy them severally, is equally applicable to the arena of politics—in other words, *divide et impera*. George III has been unrivalled in the successful use of this manœuvre. Much of his system of government depended on his skill in

<sup>1</sup> *Chatham Corr.* iv. 332: Chatham expressed the opinion that 'North serves the crown more successfully and more sufficiently upon the whole than any other man now to be found could do'. See also Massey, *Hist.* i. 424 ff.

<sup>2</sup> Lord Waldegrave's *Memoirs*, p. 132; cited by Winstanley, *Chatham and the Whig Opposition*, p. 2.

<sup>3</sup> It was 'an unconstitutional habit of George III to regard every minister as a mere instrument'. Anson, *Autobiography and Correspondence of the Duke of Grafton*, p. xiii.

thwarting the schemes for union amongst his political opponents and preventing his ministers from becoming a solid, unanimous, homogeneous body. The relations of George and the opposition in Parliament will be referred to later.<sup>1</sup> His methods of weakening his official administrations were various. In every government, particularly in those which he personally disliked, George III contrived to have in office several members of his own party of 'King's Friends'. They were placed there, as spies in an enemy's camp, to oppose the policy and hinder the actions of a 'hostile' administration, or, at any rate, to uphold the royal principles and interests. The description given by Lecky of Lord Barrington, a typical King's Friend, is worth quoting: Lecky calls him 'an honest man, but one who adopted and avowed the principle that it was his duty always, except in cases of the gravest possible causes of difference, to support the ministers selected by the king, whatever party or connexion they belonged to, and whatever might be his opinion of the men and of their measures'.<sup>2</sup> He was kept in office by the wish of the king through several successive administrations, and was no doubt expected to oppose any minister whom the king disliked. Lord Hillsborough was another typical 'King's Friend', about whom it was once said that it was his object 'to fall in with what he knew to be the king's plan, that each of his ministers

<sup>1</sup> See below, pp. 35-8.

<sup>2</sup> Lecky, iii. 189. See also *Geo. III Corr.* i. 87, footnote. Just before being appointed Secretary-at-War under Lord Rockingham, Barrington assured the king of his devotion solely and personally to him, and of his resolution to support the Government, not because some of his oldest friends were members of it, but because His Majesty had chosen it. He said that 'the Crown had an undoubted right to choose its Ministers, and that it was the duty of subjects to support them, unless there were some very strong and urgent reasons to the contrary'.

should hold of him and not of one another or of the first'.<sup>1</sup> Burke termed this body of 'King's Friends' 'the determined majority within doors, which, supporting no ministry, is blindly devoted to the Court'.<sup>2</sup>

Another method by which the king sought to weaken an administration which he disliked was by withholding from it his confidence and the assistance of the Crown patronage and promotions to peerages.<sup>3</sup> The relations between George III and the Grenville Ministry give the plainest evidence of this fact. Grenville, although leader of the House of Commons, was not allowed to have any share or voice in the secret bribery which was then one of the most important functions attaching to this post. Likewise Newcastle, when First Lord of the Treasury, was powerless in the Government; the most important political steps, such as the creation of peers, were taken without consulting him.<sup>4</sup> During the brief existence of the coalition the king held quite aloof from his ministers, and either did not, or would not, know the policy they intended to pursue.<sup>5</sup> One of Grenville's letters to the Earl of Sandwich is most illuminating in this connexion. Dealing with the king's negotiations with Pitt in 1765 for the formation of a new ministry, Grenville admits that neither he, nor Sandwich, nor yet the Chancellor, had 'any positive information what the king's intentions and dispositions now are, or are hereafter likely to be, with regard to his administration, and to that influence which has suggested to him the thoughts of changing them (i.e. Lord Bute). In this state, whilst the favour and authority of the Crown still appear in

<sup>1</sup> *Hist. MSS. Commission, Various*, vi. 263.

<sup>2</sup> Burke's *Corr.* i. 346.

<sup>3</sup> Lecky, iii. 205.

<sup>4</sup> *Walpole Mem.* i. 156.

<sup>5</sup> Buckingham, i. 208-78.

direct opposition to each other, I own I am not eager to press my advice and services upon the king'.<sup>1</sup> To which Sandwich replied that the only point, according to the Chancellor, which the Ministry would press for was that they 'might have His Majesty's cordial support, and that his authority and confidence might go together—otherwise they would resign'.<sup>2</sup>

George III never accepted the theory of having to act only through his responsible advisers. During the periods when administrations which he disliked were in power, he gave to others, frequently to members of the Opposition, the confidence which he withheld from his ministers.<sup>3</sup> George was at all times ready to listen to suggestions from men who were not his constitutional advisers, and between 1770 and 1782 Charles Jenkinson, afterwards Lord Hawkesbury and Earl of Liverpool, is said to have exercised an influence which 'was sometimes paramount to, or subversive of, the measures proposed by the first minister'.<sup>4</sup>

All these instances serve to show how insignificant and powerless many of George III's ministers were. The way in which contemporary statesmen realized the meanness of their position is shown by the terms in which the Duke of Richmond once wrote to Lord Rockingham,

<sup>1</sup> *Grenville Papers*, iii. 55. Also ii. 80.

<sup>2</sup> *Ibid.* iii. 57. See also p. 97, for 'a paper containing the result of Lord Temple's real feelings and is most delicate and secret': 'That no consideration on earth can induce him to engage in Administration, unless he is assured he enters upon it with the King's full cordiality and confidence, because he knows these are essential to the capacity of doing His Majesty, or the country, any effectual service'.

<sup>3</sup> See Buckingham, i. 218 ff. See also Appendix I.

<sup>4</sup> Wrexall, *Memoirs*, i. 416; cited by article on George III in *D.N.B.* Burke (*Corr.* i. 507, speaking of the North Ministry, says that he has 'great reason to suspect that Jenkinson governs everything'.

'When I say the Ministry I mean the king, for his ministers are the merest servants that ever were'.<sup>1</sup> Burke, again, writing of the Chatham-Grafton Ministry, says: 'His Majesty never was in better spirits. He has got a ministry weak and dependent; and, what is better, willing to continue so.'<sup>2</sup> This insignificance of ministers was partly due to the fact that George III tried to be his own Prime Minister and to control and direct his cabinet personally. His active participation in the affairs of state reached its climax during Lord North's administration. The king practically directed the policy of the Ministry, even on the minutest points. Lord North himself was rather the royal agent than the responsible adviser, and would never allow himself to be called 'Prime Minister', maintaining that 'there was no such thing in the British Constitution'.<sup>3</sup>

George III had from his very accession brought one of the most important branches of governmental action—that of patronage—under his own personal and complete control, in marked contrast to the practice of the first two monarchs of the House of Hanover who had generally left such business in the hands of their ministers. The king's correspondence with Lord North shows very clearly how he made his own wishes decisive: the appointments to all offices, large or small—preferments to livings, as to bishoprics,<sup>4</sup> the appointment of

<sup>1</sup> Buckingham, i. 23.

<sup>2</sup> Burke's *Corr.* i. 133.

<sup>3</sup> Brougham, *Historical Sketches*, i. 392.

<sup>4</sup> *Geo. III Corr.* i. 60: 'Mr. Scot, chusing (*sic*) to decline the living of Worplesdon, I very readily consent to Mr. Fontagne's obtaining it, and that the former may wait for the living of Simondsburn in Northumberland. You may, therefore, direct the warrant to be preferred (*sic*)'. Also i. 79; ii. 37, 212, 235, 368 *et passim*. See also *Chatham MSS.*, P. R. O., vol. ciii; *Letters of Geo. III to W. Pitt*, 17 April 1784.



judges,<sup>1</sup> of University professors,<sup>2</sup> the granting of military commissions down almost to the lowest grade<sup>3</sup>—these, as well as the patronage to all political offices, form the constant topics of his letters.

Besides, however, in the matter of patronage, George III, as his letters prove, took a great interest in all the *minutiae* of government, exercising important and often decisive influence on every act of the administration. He insisted upon being informed of every step that the Cabinet proposed to take, whether in foreign, colonial, or domestic affairs, and in every case he peremptorily declared his will in the matter. The Royal Marriage Act, for instance, was really the king's own idea, and was only carried through Parliament by ministers because it was recognized to be a personal measure of the king's, proposed and supported by him.<sup>4</sup> He took a special interest in foreign affairs—a sphere in which the Crown has always played a prominent and fitting part—and he made careful examinations of the dispatches.<sup>5</sup>

<sup>1</sup> *Geo. III Corr.* i. 30: 'As Mr. Wallace declines the vacant seat in the King's Bench, I authorise you to enable Lord Mansfield to sound Mr. Ashurst; if he declines, the preference ought to be given to Serg. Burland, whom Lord Mansfield thinks superior in talent to Serg. Nares, particularly as I find the nominations of the latter would be very detrimental to the interest of the Duke of Marlborough, as his influence in Oxford would be much shook by opening that borough for so many months.'

<sup>2</sup> *Ibid.* i. 62, 108.

<sup>3</sup> *Ibid.* ii. 106, 14.

<sup>4</sup> *Ibid.*, i. 91: 'I do expect every nerve to be strained to carry the Bill through both Houses with a becoming firmness, for it is not a question that relates to administration, but personally to myself; therefore, I have a right to expect a hearty support from every one in my service, and shall remember defaulters.'

<sup>5</sup> *Geo. III Corr.* i. 98, 104, 105, 128; also *Hist. MSS. Commission, 10th Report*, pt. vi, p. 43. George III, however, never held private communications with foreign ministers. — Anson, ii. pt. i, p. 43.

Nothing illustrates this point better than George III's relations with his Cabinet during the war with Revolutionary France.<sup>1</sup> George III was a strong supporter of the war. As was only natural for a crowned head, he expressed much hatred towards the Revolution and much loathing for the men who were carrying it out. 'The brutality and cowardice that has attended the outset of the French hostilities', he wrote in May 1792, 'does not augur either a successful or honourable issue of their warlike furor, but, indeed, from the commencement of the Revolution, more acts of barbarity have been committed than by the most savage people.'<sup>2</sup> Yet he was in agreement with Pitt in trying to avoid war as long as possible: 'Undoubtedly there is no step', he wrote in September of the same year, 'that I should not willingly take for the personal safety of the French king and his family that does not draw this country into meddling with the internal disturbances of that ill-fated kingdom: the taking every step not to shelter assassins is what we owe to our own characters.'<sup>3</sup>

When the war at last broke out George was intent upon waging it to the bitter end.<sup>4</sup> It was much against

<sup>1</sup> His correspondence with Lord Grenville contained amongst the Fortescue Papers preserved at Dropmore (*Hist. MSS. Comm.*) is of first-rate importance in this connexion.

<sup>2</sup> *Hist. MSS. Comm. Fortescue*, ii. 267; see also *Chatham MSS.* ciii, letter of the King to Pitt, 2 Feb. 1793: 'If the occasion ever could occur that every Power for the preservation of Society must stand forth in opposition to France, the necessity seems to be at the present hour, indeed my natural sentiments are so strong for Peace that no event of less moment than the present could have made me decidedly of opinion that Duty as well as Interest calls on us to join against that most savage as well (as) unprincipled nation.'

<sup>3</sup> *Hist. MSS. Comm. Fortescue*, ii. 317.

<sup>4</sup> See *Chatham MSS.* ciii, letter of the King to Pitt, 23 Dec. 1794: In

his will that the Cabinet at the end of January 1796 decided to enter into negotiations with France—negotiations which were to extend over nearly two years. The king condemned as ‘immoral and unjustifiable’ the scheme of pacification which Grenville submitted to him in outline on February 9th; and he only yielded reluctantly to the advice of his Cabinet. ‘I should not have acted either openly or honestly’, he wrote, ‘had I not expressed my own sentiments on the subject, and no reasoning of Lord Grenville on this subject could move me from what I think the line of morality, though not of politics.’ ‘I always choose’, he continued, ‘to act on simple principles; Italian politics are too complicated for my understanding.’<sup>1</sup>

His disagreement with his Cabinet on this subject of negotiation continued as long as the attempts for peace with France lasted, and his letters are very illuminating. In November 1796, he wrote: ‘Lord Grenville cannot be surprised when I have, from the first moment of any idea of treating with France being proposed, uniformly shewn my disinclination to a measure which undoubtedly at this hour so manifestly destroys the solid ground on which the war was undertaken, the truth of which never

composing the Royal Speech to Parliament Pitt was urged by George to employ ‘a language of resolution to prosecute a War that every tie of Religion, Morality and Society, not only authorises, but demands’.

<sup>1</sup> *Hist. MSS. Comm. Fortescue*, iii. 171. See also, for King’s opposition to all proposals for negotiation with France, *Chatham MSS.* civ. Letters of the King to Pitt of 18 June 1793; 31 Dec. 1794; 27, 31 Jan. 1796. Also the *Melville Papers*, Letter of the King to Dundas, Feb. 1796. ‘I think the language of those who were most eager for peace in the Cabinet now they see the open language of the Court of Vienna must be at least staggered, but I should hope, if not cursed with mulish obstinacy, resolved to give up the former timid opinion. You may easily believe this remark does not extend to Mr. Pitt. . . .’

was more clear than at the present period'.<sup>1</sup> On 9th April of next year the Cabinet again advised the king of the indispensable necessity for taking steps 'for making a joint application on the part of his majesty and of the Emperor to the Emperor of Russia for his intervention, with the view of opening and conducting negotiations for peace'. This drew from George the reply that 'Lord Grenville is too sensible of my opinion on the whole business to doubt of my sorrow at finding myself obliged to acquiesce in a measure that I think big with evils; but he has in his note, which accompanied the Minute of Cabinet, shown he is equally impressed with the same opinion, that it would be a waste of time for me to add more on the present melancholy occasion'.<sup>2</sup>

Finally, on 1st June 1797, George wrote again in similar strains: 'I should not do justice to my feelings if I did not, in confidence, state to Lord Grenville that the many humiliating steps I have been advised to take in the last nine months have taken so deep an impression that I undoubtedly feel this kingdom lowered in its proper estimation much below what I should have flattered myself could have been the case during the latter part of my reign; I certainly look on the additional measure now proposed<sup>3</sup> as a confirmation of that opinion. I cannot add more on this occasion but that if both

<sup>1</sup> *Hist. MSS. Comm. Fortescue*, iii. 278.

<sup>2</sup> *Hist. MSS. Comm. Fortescue*, iii. 310, 311. The postscript to this letter shows George III's ideas of his constitutional position as Elector of Hanover: 'I should not do right', he wrote, 'if I did not in the strongest manner, as a member of the German Empire, declare that in that capacity I never can accede to the Emperor's gaining any acquisition at the expense of the Empire, but shall as Elector think myself in duty bound to object to any such unjust measure.' See also, *re* George III as Elector, *ibid.* ii. 645; iii. 134, 375.

<sup>3</sup> i. e. the sending of an official note to Paris.

Houses of Parliament are in as tame a state of mind as it is pretended. I do not see the hopes that either war can be combined with effect or peace obtained but of the most disgraceful and sordid tenure.'<sup>1</sup> Negotiations, however, ceased for the time being in September 1797 after the *coup d'état* in Paris which established the Directory in power. The Directors put forward extravagant demands, and a conference of negotiation which had been sitting at Lille broke up.

One remarkable feature of George's personal government is the attention which he directed during the War of American Independence to the smallest administrative details of conducting a campaign.<sup>2</sup> He seems, in fact, to have acted somewhat as a chief of staff. In one letter he is desiring a list of 'the various articles of provisions and other necessaries that have been sent thither (i.e. to the seat of war) in the course of the year',<sup>3</sup> or deploring the fact that 'the contractors have continued delivering such bad biscuits and flour after the repeated directions given them by the Board of Treasury'.<sup>4</sup> In the next he is determining the scheme of military operations for the next campaign,<sup>5</sup> and ordering the movements of troops.<sup>6</sup> In yet another he is found directing recruiting.<sup>7</sup>

This constant, detailed interest in the varied work of waging war George III repeated, though in a lesser degree, in the war with Revolutionary France. A number of his letters at this time deal with the movement of troops to the Continent, the appointment of generals, the military relations with allied powers, the

<sup>1</sup> Ibid. iii. 327.

<sup>2</sup> *Geo. III Corr.* i. 259, 267, 270, 275, 277, 319.

<sup>3</sup> Ibid. i. 267.

<sup>4</sup> Ibid. ii. 51.

<sup>5</sup> Ibid. i. 275; ii. 45.

<sup>6</sup> Ibid. i. 270, 277, 319, 25th Oct. 1775: 'On the receipt of your letter, I have ordered Elliott's dragoons to march from Henley to Hounslow.'

<sup>7</sup> Ibid. i. 265, 300.

scheme of campaign, and suchlike topics.<sup>1</sup> In a letter of May 1794 George discusses at length the question of collecting all British troops on the Continent into one corps.<sup>2</sup> In another letter of November of the same year he disagrees with the Cabinet's advice regarding the formation of dépôts for French *émigré* corps in his Hanoverian possessions.<sup>3</sup>

Such, then, was George III's system of personal government. But before passing on to consider his relations with Parliament and the electorate it is necessary to say something about his relations with the collective body of his ministers, the Cabinet, and to notice the several important developments in the Cabinet system which took place in his reign. The first development to be noted was not so much a new one as the stabilizing and securing of a previous change which had taken place at the accession of George I, a change which George III made no attempt to undo; namely, the absence of the Monarch from Cabinet meetings. The almost inevitable consequence of this was the growth of the Premiership. Further results of the royal absence, though their action was hardly perceptible in this reign, were the loss of the king's controlling power over policy and the royal freedom from responsibility in the determination of it.<sup>4</sup> A second development was the disappearance of the titular Cabinet. A dual cabinet system—with the inner or 'efficient' Cabinet, the 'councilabulum', composed of the chief heads of the Executive Government, and the outer or titular body, made up the chief officers of the household—came into exis-

<sup>1</sup> *Hist. MSS. Comm.* 14th Rep., App. V, 507, 534, 648, 652.

<sup>2</sup> *Ibid.*, p. 553.

<sup>3</sup> *Ibid.*, p. 644.

<sup>4</sup> Anson, ii, pt. i, p. 40.

tence about the middle of the eighteenth century.<sup>1</sup> The inner cabinet was, of course, the motive force of the government of the country, the status of the outer group being merely formal and honorary. Naturally the main effect of the existence of this double system was confusion. There was an inevitable lack of a sense of joint responsibility amongst ministers, and much doubt and uncertainty displayed as to when a man who had once entered the inner circle ceased to be a cabinet minister.<sup>2</sup> The position of the ex-Cabinet Minister was definitely determined in 1801 in the case of Lord Loughborough, who had been Chancellor under Pitt and reappeared at a Cabinet meeting when Addington came into power, though no longer in office.<sup>3</sup> He was told that his attendance at the Cabinet naturally ceased with his resignation of office. The principle was thus established that attendance at the Cabinet should go with the holding of office; and, moreover, Addington laid down as a rule that 'the number of Cabinet ministers should not exceed those whose responsible situations in office require their being members of it'.<sup>4</sup>

In George III's reign the titular Cabinet, being a useless body, gradually died a natural and inevitable death. It had been 'a means of paying an inexpensive compliment to a politician whom it was desirable to conciliate'.<sup>5</sup> The confusion and uncertainty of the

<sup>1</sup> Anson, *E.H.R.* xxix: 'The Cabinet in the Seventeenth and Eighteenth Centuries', p. 71.

<sup>2</sup> e.g. Mansfield, who was in the confidential Cabinet 1757-63, still claimed in 1775 to be a cabinet minister, ready to give advice when called upon, but as having, with the king's permission, retired from the 'efficient cabinet'. *Parl. Hist.* xviii, 271-2.

<sup>3</sup> Anson, *E.H.R.* xxix, 76.

<sup>4</sup> Stanhope, *Life*, iii, 323.

<sup>5</sup> Anson, *E.H.R.* xxix, 77.

## 28 *George III's Relations with his Ministers*

Cabinet system, also, provided an excellent weapon to George III in his struggle for personal power, for it enabled him to carry on negotiations behind the backs of ministers whom he disliked and to endeavour to bring about fresh combinations with a view to their overthrow. The uncertainty existing on the question whether their retirement from the confidential Cabinet involved loss of place in the outer circle of possible advisers to the Crown was eminently suitable for royal machinations. The double system gave George the power of appealing to the whole Cabinet to outvote the 'conciliabulum', 'a power not always or often used but a really dangerous and alarming one'.<sup>1</sup> The outer Cabinet had no place in the Fox-North Coalition Ministry of 1783, and the 'conciliabulum', which was equivalent to the modern Cabinet, became the only Cabinet body in existence. To the year 1783 the true starting-point of the modern system has been traced.<sup>2</sup>

Along with this change came the growth of the Premiership. Walpole had been Prime Minister—in fact, though not in name; but during the first twenty-five years of George III's reign conditions were altogether unfavourable for the development of the supremacy of one minister in the Cabinet, nor was the necessity for it yet admitted.<sup>3</sup> In 1784, however, in the formation of his administration Pitt was allowed an almost free hand, though the appointment of Thurlow was probably more a matter of necessity than of choice.<sup>4</sup> The need for a Prime Minister at the head of the Government was fully recognized by Pitt: 'it is an absolute necessity',

<sup>1</sup> Temperley, *E.H.R.* xxvii, 'Inner and Outer Cabinet and the Privy Council, 1679-1783', p. 694.

<sup>2</sup> Temperley, *E.H.R.* xxvii. 699.

<sup>3</sup> Anson, ii, pt. i, pp. 112-17.

<sup>4</sup> Anson, *E.H.R.* xxix. 66.



he once said, 'in the conduct of the affairs of this country that there should be an avowed and real minister possessing the chief weight in the Council and the principal place in the confidence of the King', and that 'that power must rest in the person generally called "First Minister"'.<sup>1</sup> The beginning of Cabinet government as based on party—party as opposed to family groups or 'king's friends'—has been traced to this statesman's administration.<sup>2</sup> Government by the Crown through departmental ministers acting independently of each other became no longer possible. The principle of the homogeneous Cabinet and the position of the Premier in it were decisively settled in 1791 by the dismissal of Lord Chancellor Thurlow, who, relying on the royal favour, had rebelled and opposed Pitt until he refused to submit to it any longer, and compelled the king to dismiss Lord Thurlow by threatening to resign himself.<sup>3</sup>

<sup>1</sup> Stanhope, *Pitt*, iv. 24.

<sup>2</sup> Anson, *E.H.R.* xxix. 66.

<sup>3</sup> Anson, ii, pt. i, p. 126. Also Hunt, p. 281, and Stanhope, *Pitt*, ii. 149. Cp. *Hist. MSS. Comm., Various*, vi. 203; letter of 19 Dec. 1789 from Lord Rawdon (afterwards Marquis of Hastings and Governor-General of India) to W. Knox: 'That the Chancellor and Mr. Pitt are upon bad terms does not at all surprise me; I believe it is impossible to serve with the latter upon other terms than so complete a waiver of one's own judgement, and of all the attentions due to one's rank in society as can never be long reconcileable to any man who has an honest feeling of what is due to him in these respects.'

## CHAPTER III

### *George III's System of Personal Government (continued) : his Relations with Parliament and the Electorate.*

GEORGE III was, except on one notable occasion, the champion of the sovereign rights of Parliament.<sup>1</sup> He supported the House of Commons in all matters of privilege and rights, and frequently confessed himself a sincere, though conservative, supporter of the Constitution.<sup>2</sup> In the Wilkes controversies he took a leading part on the side of the Commons. He himself gave orders for the prosecution of Wilkes and urged the House of Commons to expel him.<sup>3</sup> Likewise, when the Lord Mayor was committed for breach of privilege, the king 'was not surprised',<sup>4</sup> and in the matter of the printers and the publishing of parliamentary debates George thought it 'highly necessary that the strange and lawless method of publishing the debates in the papers should be put a stop to'.<sup>5</sup> He further upheld the parliamentary right to tax the Colonies as 'one of the essential rights of a supreme legislature'.<sup>6</sup>

These are not the words of a man who wished to restrict or override the authority of Parliament or to

<sup>1</sup> Dicey, *Law of the Constitution*, p. 378.

<sup>2</sup> *Geo. III Corr.* i. 89 : 'I own myself a sincere friend to our constitution, both Ecclesiastical and Civil, and, as such, a great enemy to any innovations, for in this mixed Government, it is highly necessary to avoid novelties.' Also i. 64, 101; ii. 313, and *Chatham MSS.*, P. R. O. ciii, letters of 30 Jan., 4 Feb., and 9 March, 1784.

<sup>3</sup> *Geo. III Corr.* i. 2.

<sup>4</sup> *Ibid.* i. 64.

<sup>5</sup> *Ibid.* i. 57.

<sup>6</sup> *Ibid.* i. 254.

adopt any means which were not legal or parliamentary. George III, in common with Burke and Fox and the great majority of the statesmen of the day, maintained a view of parliamentary authority which made the Crown in Parliament in the strictest sense the sovereign power. The exception, above mentioned, to the application of this principle occurred in 1784, when, through the exigencies of the moment, George III was forced to appeal from Parliament to the electorate. He thus adopted the attitude of Chatham, who realized that the authority of Parliament rested on the will of the electorate.<sup>1</sup> By the dismissal of the Fox-North Coalition Ministry, which commanded a majority in the House of Commons, and the successful appeal to the electorate by means of a dissolution, the principle was admitted that it is the verdict of the nation which ultimately determines whether a Cabinet may or may not retain office. George III's action has been much criticized. It was, however, perfectly legal and at least constitutional, according to modern conceptions. But it was nevertheless unusual, and in reality no doubt an innovation on the then prevailing doctrine. Whether this appeal to the electorate, however, be termed constitutional or revolutionary is now, as Professor Dicey points out, of little moment; what it did was to 'affirm decisively the fundamental principle of our Constitution that not Parliament but the nation is, politically speaking, the supreme power in the state'.<sup>2</sup> This doctrine was further established by the similar contest of 1834, though in this instance the appeal to the country was unsuccessful. The precedents of 1784 and 1834 were decisive in

<sup>1</sup> On this subject see Dicey, *Law of the Constitution*, pp. 376-82.

<sup>2</sup> *Ibid.*, p. 379.

determining the principle on which the prerogative of dissolution should be exercised and in showing that the rules regarding its exercise are, like other conventions of the Constitution, intended to secure the ultimate supremacy of the electorate as the true political sovereign of the State. George III, therefore, by his policy in 1784 admitted, no doubt unintentionally, and in direct contradiction to his customary attitude, the subordination of the legal sovereignty of the Crown in Parliament to the political sovereignty of the nation.

At the same time, however, as George III was, with this single exception, the firm upholder of the sovereignty of Parliament, he was the zealous reviver of the royal authority. There was only one way in which two such seemingly incompatible ideas could be successfully combined, and that was by harnessing the sovereign Parliament to the chariot of royal ambition. The only road left open in the eighteenth century whereby the royal aims could be achieved was by a profuse use of the influence of the Crown—a means quite as effective as, and much less invidious than, the arbitrary use of the prerogative. By using it to deaden independence of spirit and will and to produce subserviency, both amongst ministers of State and members of Parliament, the monarch could still defend himself from the various encroachments that threatened to reduce his power and influence almost to extinction. It is not intended to suggest by this that George III was in any way the discoverer of this new weapon. The bribery and corruption of members of Parliament had become systematized and regular a considerable time before George III's accession—at the time, in fact, when Parliament, becoming permanent, had reached a position of easy

accessibility to Crown influence. Extensive use of these means had been made by Walpole and Newcastle. What George III did was to apply the resources of the Crown with his own hand and for his own purposes. And vast indeed were these resources! Peerages,<sup>1</sup> honours of all kinds, pensions, ecclesiastical appointments, military commissions, contracts, money bribes, and places and sinecures under Government were poured forth in such great profusion that George III, like Walpole and Newcastle before him, was able with the aid of these inducements to build up a strong parliamentary interest upon which he could rely to support or oppose measures and motions according to his personal orders.<sup>2</sup> This body

<sup>1</sup> George III, in the early days of his reign, created numerous peerages. But it was mainly because of Pitt's policy that, at the end of George's reign, the number of hereditary peers had become double what it was at his accession. What was with the king a mere means of corruption became with Pitt a settled purpose of transferring the peerage from a narrow and exclusive caste into a large representation of the wealth of England. He lavished hereditary titles as no minister had lavished them before, and by 1801 his creations, with the peerages which were the price of the Union with Ireland, numbered 141. Nor, as J. R. Green has pointed out (*Short History*, p. 790), was the change merely one of numbers. The whole character of the House of Lords was changed. It became the stronghold, not of blood, but of property, and for the first time, too, in English history, it became the distinctly conservative element in the Constitution. The changes had a further and, from the point of view of the Crown, an unfortunate result; for the larger numbers of the peerage, though due to the will of the Crown, has practically freed the House from any influence which the Crown can exert by the distribution of these honours.

It would appear, however, that the king was opposed to Pitt's policy: see *Hist. MSS. Comm. Fortescue*, iv, 436, where Lord Grenville, writing to the Earl of Carylfort, 7 Jan. 1799, says that Pitt had stated strongly to him 'the difficulties of an increase of the peerage, a measure to which I well know that the king has more than once expressed to him his greatest repugnance'.

<sup>2</sup> Cp. *Geo. III Corr.* ii, 50: 'I think Lord North judges very properly in giving but £100 to Mr. Forth, as that gentleman will certainly expect

of 'hired servants' was the so-called party of 'King's Friends'. George, in renouncing the proper sphere—according to modern ideas—of a constitutional monarch for that of a party leader, undoubtedly demeaned his position, but it was an expedient which the circumstances of parliamentary government and the party system rendered necessary if his selected ministers were to receive the essential support of the House of Commons.

As a virtual party leader George III took a very keen and detailed interest in the affairs of Parliament, particularly in the behaviour of the Court party. The main methods by which George maintained and managed his party were: patronage, the disposal of the civil list revenues, the manifestation of his feelings by word or manner when men who had either satisfied or displeased him presented themselves at Court,<sup>1</sup> and by acting generally very much like the modern party whip. The king's letters give remarkable evidence of this unusual part of the duties of the regal office.<sup>2</sup> George III is found impressing upon his chief minister the importance of bringing up to the House all the Government supporters, and is very intolerant of slackness on their part.<sup>3</sup> 'I wish a list', he writes to Lord North, 'could be prepared of those that went away and of those that deserted to the minority; that would be a rule for my conduct in the

more before his commission is at an end; therefore, Lord North will explain to him that this is an earnest of what he may expect if he can be of essential service.'

<sup>1</sup> *D. N. B.*: 'George III', xxi. 180. Also *Hist. MSS. Comm., Various*, vi. 263.

<sup>2</sup> *Geo. III Corr.* i. 95 ff., 123; ii. 54, 139, 200, 212. See also *Chatham MSS.*, P. R. O., vol. ciii: Letter to W. Pitt, 18 Feb. 1784.

<sup>3</sup> *Geo. III Corr.* ii. 169.

Drawing Room to-morrow.'<sup>1</sup> Or again, writing on the bad attendances in the House of Commons, 'I cannot help thinking it criminal in any man at so momentous an hour as the present one holding back and not taking an active part: I, therefore, am ready to take any ostensible step to shew my disapprobation of those who do not attend, and shall very readily concur in any proposition that may come from Lord North on that subject'.<sup>2</sup>

It may well be asked, 'What was the need for a king to degrade his high office by thus soiling his hands with the baser features of the party system?' The key to such a question is found when the attitude of George III towards the Opposition in Parliament is considered. Under modern constitutional conditions the 'Opposition' may well be said to be, as it has wittily been termed, 'His Majesty's Opposition'. To George III such a term would only have been agreeable when power was in the hands of men he disliked and his friends and supporters were out of office, as happened during the two Rockingham Administrations and the Fox-North Coalition. At other times his attitude towards the

<sup>1</sup> Ibid. i. 96.

<sup>2</sup> Ibid. ii. 235; also 130: 'I trust that next the committee of the State of the nation is resumed, gentlemen will be more ready to speak. As you, of course, must wait for the conclusion of it, I should think on such an occasion Lord G. Germain might with great propriety have said a few words to put the defence in motion.' See also *Chatham MSS.* cm: Letter of the king to W. Pitt, 14 Dec. 1790: 'Mr. Pitt's note on the Debate of yesterday seems to point out that the Division was very favourable; though the moving for Papers is a stale manœuvre of Opposition, yet it always takes with the curiosity of some persons. I trust the Division on the Convention this day will be as good. More new members spoke yesterday than I should have expected, and probably this day will produce as many.'

opponents of the Government was one of extraordinary hostility, and his language, when speaking of them, was marked by extreme and unmeasured violence.<sup>1</sup> Of the Whig Opposition during Lord North's Administration, his opinion was that 'the uniform conduct of this disjointed opposition is a medley of absurdities which tends to nothing less than encouraging a contempt of the laws and of that subordination that alone can preserve liberty, of which they pretend to be guardians'.<sup>2</sup> This body of men, led by Lord Rockingham, Chatham,<sup>3</sup> and Grenville, the king determined never to admit to office: 'no consideration in life shall make me stoop to [the] Opposition. I am still ready to accept any part of them that will come to the assistance of my present efficient ministers; but whilst any ten men in the kingdom will stand by me, I will not give myself up into bondage. . . . I will rather risk my Crown than do what I think personally disgraceful.'<sup>4</sup> A return to the Whig oligarchy he regarded as little short of deposition.

In order to gain or maintain his hold over all affairs of State and to gratify his personal wishes, George III went to yet greater lengths in his dealings with Parliament. Not content with merely forming and managing a political party or with efforts to exclude and destroy his opponents, he adopted such expedients as interfering

<sup>1</sup> See *Chatham MSS.*, P.R.O., ciii, civ: Letters of 25 March, 1783; 13, 30 Jan., Feb. 1784; 19 Feb., 18 June, 1793; and 19 Feb. 1794.

<sup>2</sup> *Geo. III Corr.* i. 71.

<sup>3</sup> The king termed Chatham 'a trumpet of sedition', *ibid.* i. 261.

<sup>4</sup> *Ibid.* ii. 151, 153 ff., also 235 ff. and 399. See also *Hist. MSS. Comm.*, Rep. X, App., pt. vi, p. 54, where the king writing to Robinson, Aug. 7, 1782, terms C. J. Fox a man 'who every honest man and those in the least interested in the support of this constitution must wish to do the utmost to keep him (*sic*) out of power'.



with the freedom of speech of members and using his name to influence debates. Nor yet content with swaying the votes and speeches of members of Parliament by lavish use of the Crown influence, the king took a much more arbitrary step when he deprived officers of their military commands for their votes in Parliament, as he did General Conway, Colonel Barré, and Colonel A'Court.<sup>1</sup> Writing to George Grenville, the king denounced General Conway's conduct in opposing the Ministry, and proposed his instant dismissal both from his civil and military commissions, 'for in this question I am personally concerned'.<sup>2</sup> Writing some years later to Lord North, he expressed strongly the opinion that 'the general officers who through Parliamentary favour have got governments, on opposing, should lose them'.<sup>3</sup> This principle was, indeed, extended to the holding of all offices under the Crown. The fall of the Pitt-Newcastle Ministry was followed by a general proscription of the Whigs from the highest down to the lowest:<sup>4</sup> the Duke of Devonshire was struck off the list of Privy Councillors;<sup>5</sup> the Dukes of Newcastle and Grafton, and the Marquess of Rockingham, having dared to express their disapprobation of the Treaty of Peace, were dismissed from the lord-lieutenancies of their counties.<sup>6</sup> But not only were all Parliamentary holders of offices, who had opposed the new Administration, dismissed, but also the clerks in

<sup>1</sup> *Chatham Corr.* ii. 297.

<sup>2</sup> *Grenville Papers*, ii. 162, 166. The draft of Mr. Grenville's communication to the king has not been preserved; it may be supposed that he mentioned Conway's adverse vote, but it seems that the first proposal for his dismissal came from the king.

<sup>3</sup> *Geo. III Corr.* ii. 237.

<sup>4</sup> *Bedford Corr.* iii. 224.

<sup>5</sup> *Rockingham Mem.* i. 135, 142, 150; also May, i. 16.

<sup>6</sup> *Rockingham Mem.* i. 155.

Government offices and inferior officers in the customs and excise and other small appointments.<sup>1</sup> Thus was opposition discouraged with unsparing severity. Through appointments to the lord-lieutenancies of counties (a set of honours much sought after by the nobility), the king was best able to avenge himself on recalcitrant peers,<sup>2</sup> and George III determined that he would 'never again appoint to one of those offices any one whose sentiments are not cordial with Government'.<sup>3</sup>

Of the use made of the king's name to influence debate there is the one notable instance of Fox's India Bill. When there was a danger that this Bill, having already passed the Commons, would likewise be carried through the House of Lords, George III, to avert this, sent a message by Lord Temple to the Lords informing them that he would consider any of them enemies who voted for the Bill.<sup>4</sup> This step had its desired effect, and the Bill was rejected. This, however, does not appear to have been the only instance of such a practice. The Bill for the relief of Dissenters suffered the same fate, for when it reached the Lords, 'it was given out that the King had declared himself much against the Bill'.<sup>5</sup>

It is remarkable that George III never attempted to revive the use of the so-called veto of the Crown on legislation. That he did not consider this prerogative to be obsolete is shown by the letter he wrote to Lord

<sup>1</sup> *Grenville Papers*, i. 453; *Rockingham Mem.* i. 152 ff.

<sup>2</sup> *Grenville Papers*, ii. 55—for Lord Temple's dismissal on account of his friendship for Wilkes.

<sup>3</sup> *Geo. III Corr.* ii. 385; see also i. 245: 'I consent to Sir Watkin Williams being Lieutenant of Merioneth, if he means to be grateful; otherwise, favours granted to persons in opposition is not very political.'

<sup>4</sup> *Buckingham*, i. 288.

<sup>5</sup> *Chatham Corr.* iv. 218. See also *Geo. III Corr.* i. 101.

North on the occasion when the City of London had petitioned him to refuse his assent to the Quebec Bill: 'I hope', he said, 'the Crown will ever be able to prevent a bill it thinks detrimental to be thrown out in one or other House of Parliament without making use of its right of refusing the assent, yet I shall never consent to using any expression that tends to establish that at no time the making use of that power is necessary'.<sup>1</sup>

The king's attitude to the electors and their rights was, as might be expected, unsympathetic and generally hostile. But George III's hostility was probably due not entirely to a fixed principle of antagonism to all popular rights and demands, but also to the fact that the majority of the questions of electoral rights centred round John Wilkes, and therefore, in George's view, became personal matters in which dislike for the man was a prominent motive. Thus, on the rejection of one of Mr. Dowdeswell's motions,<sup>2</sup> the king expressed himself as 'greatly rejoiced at the conclusion of the debate',<sup>3</sup> as also later of one of Sir George Saville's motions.<sup>4</sup>

As might be expected from his relations with Parliament, George III played the part of a party leader in his attitude to parliamentary elections, and in the same way as he used the influence of the Crown to keep Par-

<sup>1</sup> *Geo. III Corr.* i. 192. See also *Chatham MSS.*, P. R. O., ciii: letter of 4 Feb. 1784.

<sup>2</sup> 'That by the law of the land, and the known law and usage of Parliament, no person eligible by common right can be incapacitated by vote or resolution of this House, but by act of Parliament only', 31 Jan. 1770, *Parl. Hist.* xvi. 797.

<sup>3</sup> *Geo. III Corr.* i. 13.

<sup>4</sup> 'That leave be given to bring in a bill for more effectually securing the rights of the electors of Great Britain, with respect to the eligibility of persons to serve in Parliament', 27 Feb. 1772, *Parl. Hist.* xvii. 318. See also *Geo. III Corr.* i. 91.

liament, or a large section of its members, subservient to his will, so he used it also to secure a House of Commons of like calibre.<sup>1</sup> Immense sums were spent to this purpose at elections,<sup>2</sup> and the king's connexion with the business, evident enough from general deductions without direct proof, is once again clearly revealed in his correspondence. For instance, he wrote to Lord North, 16 October 1779, that 'if the Duke of Northumberland requires some gold pills for the election, it would be wrong not to give him some assistance'.<sup>3</sup> And again, when remitting £14,000 to John Robinson, Secretary of the Treasury, in 1780, he wrote, 'as the dissolution is now fixed for Wed. Aug. 20th, I think it right to transmit the money to you which compleats up to this month the £1,000 per month I have laid by'.<sup>4</sup> George's extraordinary interest in the details of electioneering is illustrated by his writing to Robinson that whilst at Windsor during the holidays he would make it his business privately to sound the inhabitants of that borough, and,

<sup>1</sup> See Porritt, i. 409-20, and *Geo. III Corr.* i. 204-10; ii. 420-7.

<sup>2</sup> *Geo. III Corr.* ii. 424; Stanhope, *Pitt*, iii, App., p. xi. See also *Lord Chesterfield's Letters to his Son*, iv. 218, 269, 274, and *Walpole Mem.* iii. 198.

<sup>3</sup> *Geo. III Corr.* ii. 286. Cf. *Hist. MSS. Comm.*, Rep. X, App., pt. vi, p. 33; North to J. Robinson: 'I cannot tell what to write to Lord Clarendon about the University of Cambridge. I do not like to put the king to the expense of £3,000 to bring in so uncertain a supporter as Lord Hyde.' Cf. *Geo. III Corr.* ii. 421: 'As to the immense expense of the general election, it has quite surprised me; the sum is double of what was expended on any other general election since I came to the throne.' Lord North replied that if he had thought that 'the expense attending elections and re-elections in the years 1779, 1780, and 1781 would have amounted to £72,000 he certainly would not have advised his Majesty to have embarked in any such expense'. See also *Chatham MSS.*, P. R. O., ciii: Letters of 28 March, 6, 8, 17 April, and 1 May, 1784.

<sup>4</sup> *Hist. MSS. Comm.*, Rep. X, pt. vi, p. 34. See also p. 40.

writing again a few days later, that he would get his tradesmen to appear for Mr. Powny, the selected Government candidate, and would order, in consequence of Mr. Robinson's hint, the houses he rented at Windsor to stand in the parish rate in different names of his servants in order to create six votes!<sup>1</sup>—a letter which gives a singular picture of a royal creator of faggot votes.

Such, then, was George III's system of personal government—his manner of working it, his attitude towards his ministers, his relations with them, with Parliament, and with the electorate. It remains to be shown how far the system was permanent, and to what extent in this and other ways George influenced the development of the Constitution.

<sup>1</sup> *Hist. MSS. Comm.*, Rep. X, pt. vi : Letters of 10 April and 3 May 1780, pp. 29, 30. Cp. *Chatham MSS.*, P. R. O., ciii : Letter of 13 April 1784 to W. Pitt : 'Though the advance made by Mr. Fox this day can only have been by bad votes, yet similar measures must be adopted rather than let him get returned for Westminster.'

## CHAPTER IV

### *The Changes in the Constitutional Status of the Crown since 1785.*

THE question, to what extent George III's efforts in the direction of personal government had any permanent effects, is one of more than ordinary difficulty. George III enjoyed far more real authority than has fallen to the share of any of his descendants, and it is easy, of course, to single out certain features of his system which were purely transitory. The extreme form of his political partisanship, for instance, has no parallel in later times. When, too, the Rockingham Ministry of 1765 restored to their posts the officers who had been deprived of their military rank for their votes in Parliament, it affixed such a stigma to that practice that it has never been repeated.<sup>1</sup> What is more difficult is to estimate the exact change that has taken place in the position and personal importance of the sovereign and his influence over affairs. This is a matter very largely of convention, and possesses, like other 'understandings' of the Constitution, a singular element of vagueness and variability. The whole body of maxims, as Professor Dicey points out, are designed with the object of enforcing the one essential principle of the Constitution—'obedience by all persons to the deliberately expressed will of the House of Commons in the first instance, and ultimately to the will of the Nation as expressed through Parliament'.<sup>2</sup> Professor Dicey goes on to show that some of these conventions, through their very nature and importance,

<sup>1</sup> Lecky, iii. 271.

<sup>2</sup> Dicey, *Law of the Constitution*, p. 399 ff.

can never be broken, except by a would-be revolutionary, but that other maxims tend to a certain extent to secure the supremacy of Parliament, but are vague and do not define to what extent the will of Parliament or the nation requires their rigid importance. Such a one is the convention regarding the rightful exercise by the Crown of influence over the conduct of public affairs, and it obtains only a varying and indefinite amount of obedience. The difficulty is enhanced by the almost entire divorce of theory from practice, making the study of constitutional law and theory comparatively useless. A brief study of the *Letters of Queen Victoria* will reveal clearly enough that in her reign the Cabinet was the real executive government of England, and the use of the name of the Crown in all acts of state a mere form; but most volumes of political memoirs and correspondence show equally distinctly that there is a vague sphere where the Crown in person exercised a very considerable influence and authority. It was partly because this sphere is so vague, and because the rules and customs which regulate the personal action of the Crown are undefined, that George III was able so extensively to increase that sphere and influence as to appear to his contemporaries—not to speak of subsequent historians<sup>1</sup>—to be reinstituting the old autocratic rule that the Revolution had swept away. As a result, the practice of the Crown and the wishes of the nation have from time to time varied. George III's successors have been more

<sup>1</sup> Cp Acton, *History of Freedom*, p. 54: 'About the year 1770 things had been brought back, by indirect means, nearly to the condition which the Revolution had been designed to remedy.' Cp Temperley, *Lord Chatham and the Whig Opposition*, Preface: between 1766 and 1771 'the destinies of the nation were determined and the work of the Revolution nullified'. Also Trevelyan, *The American Revolution*, pt. 1, p. 21.

careful than he was to avoid such conflicts and to bow to the will of the people, expressed through its representatives. This is one reason why the power of the Crown is said to have declined.

Exactness in definition, however, in connexion with this subject is difficult to attain, because the varying character, temperament, and prejudices of the reigning monarch and the changing circumstances of the period are such important factors in determining the personal relations—actual and relative—of the Crown with the work of government, that the picture presented is too kaleidoscopic to lend itself to preciseness.<sup>1</sup> As, moreover, the personal qualities and characteristics of the sovereign count for so much, the part played by one monarch in public affairs may have but slight effect on the behaviour and policy of his successors with their different dispositions and ideas, and with the different conditions amid which they were called into play. These considerations must be borne in mind in attempting to estimate the change that has come over the constitutional status of the Crown during the nineteenth century. They suggest that George III's direct influence on this province of the Constitution is intangible and indefinable.

The period of real personal government occupied the first twenty-five years of George III's reign. The year 1785, when William Pitt came into office and established

<sup>1</sup> Cp. Gladstone, *Gleanings of Past Years*, i. 38: 'There is still ample scope left for the exercise of a direct and personal influence in the whole work of government; the amount varies greatly, according to character, capacity, experience in affairs, tact in the application of a pressure which is never to be carried to extremes, patience in keeping up the continuity of a multitudinous supervision, and, lastly, close presence at the seat of government. In proportion as any of these might fail, the real and legitimate influence of the Monarch over the course of affairs would diminish; in proportion as they attain to fuller action, it would increase.'



the Tory party in its long lease of power, which, except for two short intervals, was to last for nearly fifty years, ushered in a period of slow transition. The result of the long conflict with the Whigs was a compromise.<sup>1</sup> The party whose principles were most in accord with the royal wishes had obtained a crushing victory over their opponents, but on the other hand the king found himself in the hands of a masterful and strong-willed minister, who was a very different man from either of his predecessors—Bute and North—and who held the whip hand over the king, leaving him no alternative except the obnoxious Whigs.<sup>2</sup> This fact, together with George III's growing age and weakness and his subsequent insanity, partly accounts for the change that then took place in the Crown's relations with its ministers and in its general activity with affairs of state. The decline in the royal power during these fifty years was indeed very gradual, and at times is barely discernible.<sup>3</sup> The king's successful opposition to the proposal for Catholic Emancipation, which resulted in the retirement of Pitt in 1801 and in the fall of the Grenville Ministry in 1807, shows that George III at that time still retained much of his power of earlier years. When on this latter occasion, after a dissolution, a Parliament was returned in favour of the

<sup>1</sup> Lecky, v. 285.

<sup>2</sup> Pitt's majority, however, was untrustworthy: he did not enjoy the continuous or certain confidence of the king. See *Analysis of the House of Commons*, dated 1 May 1788, which was discovered among the papers of one of Pitt's private secretaries and is quoted by Lord Roselley (*Pitt*, p. 78). It shows how uncertain Pitt's position was, and how fluctuating the elements upon which he had to depend for his power.

<sup>3</sup> George III was the last king to concern himself systematically in elections. George IV exercised no personal influence on the House of Commons, and elections were again managed from the Treasury without interference from the Crown; see Porritt, II. 420.

new Ministry, that of the Duke of Portland, George III may be said to have gained the last triumph in maintaining the principle of personal government. Nevertheless, until the return of the Whigs to power in 1830, in the general agreement and unanimity that existed between a Tory king, Tory ministers, and Tory Parliament, few conflicts arose to demonstrate how far the royal authority and influence had declined. The king and his ministers were still paramount and triumphed over Parliament and the nation.<sup>1</sup>

The difference, in character and habits, between the Prince Regent and his father did, however, as it was suggested it would, assist the slow transference of power from the Crown to the ministers and to the House of Commons. George IV had neither the inclination nor the ability to exercise the influence of the Crown in the way his father did. His inclination lay more in the direction of gratifying a love of pleasure than of interfering in the affairs of state, and he was averse to the daily toils and cares of a personal ruler and was disposed to leave more discretion to his ministers.<sup>2</sup> The result of the lessened activity and interference in affairs, first of George III in his closing years, and later of his two sons, was that the power of ministers began again to increase as that of the monarch waned.

The political events of 1834 are highly significant in this connexion.<sup>3</sup> The Whig Government of Lord Grey resigned and was succeeded by that of Lord Melbourne, which was composed of the same elements and commanded the Whig parliamentary majority. But the

<sup>1</sup> May, i. 87, 91.

<sup>2</sup> Ibid. 81.

<sup>3</sup> See *ibid.* 98-104. Also *Trans. R. Hist. Soc.* xiii: Hill, 'Pitt and Peel, 1783-4, 1834-5'.

king reposed no confidence in the new Ministry, having become a convert to the political opinions of the Opposition. He attempted to repeat his father's manœuvre of 1784. Utilizing as a pretext the removal of Lord Althorp from the leadership of the House of Commons to the Upper House on the death of his father Earl Spencer, William IV suddenly dismissed his ministers and entrusted to Sir Robert Peel the task of forming a new Administration. The Tories, however, were in a minority, which the new Parliament of 1835 only partially corrected. After a gallant struggle Peel was compelled to resign and the Melbourne Ministry returned to power. The king was beaten. The failure of this stroke of prerogative offers an interesting illustration of the diminution in the personal influence and authority of the Crown since George III's reign, during which the dismissal of a Ministry by the king and the transfer of his confidence to the Opposition had twice succeeded—in 1784 and in 1807. Ill-advised as all the proceedings of 1834 had been, their failure proved that something more than the prerogative and influence of the Crown had become necessary to gain a majority for ministers.

This constitutional development became more marked and definite in the reign of Queen Victoria. But it did not lead, as is commonly imagined, to the complete exclusion of the Crown from influence over affairs of state or interference in them.<sup>1</sup> Whatever be the present position, Mr. Gladstone was of the opinion that in his time 'the aggregate of direct influence normally exercised by the Sovereign upon the counsels and proceedings

<sup>1</sup> Mr. Gladstone is reported to have said that every treatise on the English Government which he had read failed to estimate the Queen's actual influence at its true value. Lowell, *Government of England*, i. 41.

of her ministers is considerable in amount, tends to permanency and solidity of action, and confers much benefit on the country, without in the smallest degree relieving the advisers of the Crown from their undivided responsibility.<sup>1</sup> It is evident from her letters that Queen Victoria took considerable interest and personal share in affairs of state.<sup>2</sup> Her influence, however, like that of her two successors, was moral, not coercive, operating through, not against, the will or reason of the Ministry.<sup>3</sup> Though it was no inconsiderable factor, it was a vague, intangible element in the political sphere, and, as Sir Sidney Lee has remarked, 'it was far removed from the solid remnants of personal power which had adhered to the sceptre of her predecessors'.<sup>4</sup>

At this point, then, it is necessary to examine the real underlying causes of the fundamental changes in the Constitution which have taken place since the closing years of the eighteenth century. Of these changes that in the status of the royal office is but one. What has caused the complete disappearance from modern constitutional discussion of the very ideas and theories of the time of George III? The successive occupants of the throne have differed in character and disposition, but these dissimilarities can only partially and very inadequately account for these changes. The real basic cause is to be found in the development and effects of the all-embracing movement towards Democracy.

<sup>1</sup> Gladstone, *Gleanings*, i. 42. Contrast Lowell, i. 45: 'The Queen's personal influence in domestic affairs, either in the form of indicating policy, or of effecting changes in that of her ministers, seems to have been very slight.'

<sup>2</sup> See *The Letters of Queen Victoria, 1837-61*, edited by A. C. Benson and Viscount Esher, 3 vols.; also Morley's *Life of Gladstone*.

<sup>3</sup> Gladstone, i. 38.

<sup>4</sup> Lowell, i. 45, citing Lee.

## CHAPTER V

### *The Democratic Movement, 1760-1832.*

FROM the middle of the eighteenth century new causes, new ideas, and new movements were at work in England. The nation was awaking from a rest, only broken by occasional violent outbreaks, after its prodigious efforts of the previous century. The effect of the awakening was that, since 1785, the close of the period of George III's real personal rule, or even since 1820, the year of his death, the change has been a change not in one point but in many, or rather, it has been a change not in particular points but in pervading spirit; nor can it be attributed to any of the Reform Acts, whether parliamentary, social, legal, or industrial, for these were the outcome of the movement, not the cause. The change has been one of disposition, of outlook, of ideas, and of altered social and industrial conditions. So great has been the total effect that it may well be termed revolutionary. It is not less real because it has been gradual and, to a large extent, silent; it is, indeed, more real because, as a result, autocratically-inclined kings, unrepresentative Parliaments, subservient ministers, and corrupt members have one and all been destroyed. By this revolution England has during the course of the last hundred years been transformed from an aristocratic state, governed by an oligarchy of landed nobility, into a democracy, though it is a democracy which has to a great extent inherited the traditions of the aristocratic government of which it is the heir. The institutions of

the Constitution are outwardly and theoretically but little altered—the change has been essentially one of spirit and ‘convention’. The movement has been world-wide and has affected every sphere of human life, and its operation has not yet ceased either in this or in other countries. For the purpose of this essay, however, its importance lies in its earlier developments in England, and particularly in its influence on the Constitution.

The movement towards democracy began in the reign of George III. Under the first two Georges political interest in the country had languished, but a series of events in the latter half of the century tended again to arouse popular feeling. The rise of the elder Pitt to office under the combined pressure of a great war and of national enthusiasm first aroused the country from its lethargy. Stirred by Chatham, political interest became for the moment thoroughly active through the Wilkes episodes, with the numerous popular issues raised by them. The importance of the Middlesex elections can hardly be overestimated: to the struggle over them has been traced the rise of the movement of modern Radicalism.<sup>1</sup> Here, in 1768, in the County of Middlesex, was a clash between the House of Commons, the nominally representative House of the ‘Communities’,<sup>2</sup> and one of those very communities. The people were by this time beginning, though perhaps somewhat blindly, to feel that the representative body did not really represent them, and, as usual, they fixed upon one individual, and that not a very worthy one, as an embodiment of this feeling and as a mouthpiece for the expression of the demand for parliamentary reform which was thus aroused.

<sup>1</sup> Hunt, p. 103.

<sup>2</sup> Pollard, *The Evolution of Parliament*, *passim*.

This demand for parliamentary reform became articulate through the modern mediums of political associations, meetings, and petitions. The agitation in its early stages was naturally spasmodic, violent, and as easily quieted as aroused, but the tumultuous violence of mobs was succeeded by a deeper and more constitutional agitation, and the violation of the rights of the Middlesex electors by the Commons united in support of Wilkes the parliamentary Opposition (including some of the first statesmen of the time), the wronged electors, the magistrates and citizens of London, and a large proportion of the middle classes.<sup>1</sup>

With the growth of political associations and meetings came the development of the press, which, since the beginning of the reign, had made great advances in freedom, influence, and consideration. The right to criticize public affairs, to question the proceedings of the Legislature and the acts of the Government, was established. Wilkes and Junius had by their writings and by the former's numerous conflicts with the authorities greatly stimulated the activity of the press and popular interest in public affairs. Nothing, indeed, did more to give the press its modern importance than the success which reporters and printers, by the help of Wilkes, gained in 1771 in overcoming the resistance of Parliament to the publication of debates. This achievement had the effect of elevating the functions and increasing the responsibilities of the press by bringing it into closer relations with the State.<sup>2</sup> It is not surprising, therefore, that the years following 1771 should have witnessed the establishment of numerous daily newspapers to suit the

<sup>1</sup> May, ii. 21.

<sup>2</sup> *Ibid.*, ii. 19. See also Porritt, i. 592-5.

new conditions of public life and to meet popular requirements.<sup>1</sup>

Thus were fashioned the formidable weapons of democracy. At no former time had liberty of opinion made advances so signal as during the first thirty years of this reign. Public opinion was more and more making itself felt, and, from trying—as at first—to supply the defects of a narrow representative system, it soon aimed at a comprehensive reform of the whole parliamentary system. The first scheme for reform, it is noteworthy, came in 1770, the year after the Middlesex elections. It was advocated by Lord Chatham. He was followed during the next thirty years by his son, by the Duke of Richmond, by Wilkes, Grey, and a number of others, but although success seemed at one time almost within their grasp,<sup>2</sup> the movement suffered a complete setback for another thirty years, owing to the fierce reaction that set in with the French Revolution.<sup>3</sup> But the setback was only, and could only be, temporary. Once the terror and reaction, engendered by war, by revolutionary propaganda, seditious agitation, and by real or suspected conspiracies, subsided, the reality of the changed social and economic conditions of the country began to permeate the minds of intelligent men. Severe famine and distress followed the coming of peace.

<sup>1</sup> e. g. *The Morning Post*, 1772; *The Times*, 1788; amongst many others.

<sup>2</sup> When, in 1782, Pitt moved for a Committee to inquire into the state of the representation, his motion came nearer to success, being defeated by only twenty votes, than any similar proposal till 1831. See Porritt, i. 12.

<sup>3</sup> Cp. Dicey, *Law and Opinion in England*, p. 122: 'In the ordinary course of things the law of England would have been amended before the end of the eighteenth, or soon after the beginning of the nineteenth century.'



Renewed agitation in all its forms—its best and its worst—ensued, and slowly, but not without intervals of retrogression, the movement for Reform progressed. With the accession in 1830 of William IV, a king amenable to a measure of reform,<sup>1</sup> and with the fall of the Tories, the task of sixty years of constant effort was brought to a successful conclusion.

The destruction by the Reform Act of 1832 of rotten boroughs was the cause and the sign of a thorough change in the system of government.<sup>2</sup> The chief importance of the Act lies in the fact that, opening as it did the way to the modern era of real representative government, it enabled statesmen to give effect in legislation to the new ideas. The reform of the Legislature was a condition precedent to all further progress. It brought the Government into closer relations with, and dependence upon, public opinion. One result of the establishment of real representative government was that it produced a coincidence between the two limitations of the sovereign power of Parliament. One of these, the external limit, is the possibility or certainty that subjects, or a large number of them, will disobey the laws of the sovereign. The other, the internal limit, arises from the nature of the sovereign power itself, the character, prejudices, and social status of those who exercise it and the circumstances of the time.<sup>3</sup> In a non-representative state divergence between the wishes of the nation and those of the sovereign body is common and almost inevitable. The existence of a permanent divergence of this kind ceased in England with the Revolution of 1688, the remedy being found, as

<sup>1</sup> See Butler, *The Passing of the Great Reform Bill*, pp. 185-90.

<sup>2</sup> Dicey, *Law and Opinion in England*, p. 48.

<sup>3</sup> Dicey, *Law of the Constitution*, p. 73 ff.

Professor Dicey points out, in 'a transference of power from the Crown to Parliament, and in the placing on the throne of rulers who from their position were induced to make their wishes coincide with the will of the nation expressed through the House of Commons'.<sup>1</sup> But the House of Commons did not adequately express the will of the nation, and the difference between the national wishes and those of the sovereign, even though that sovereign were Parliament, was not finally terminated until a system of real representative government was instituted by the Reform Act.<sup>2</sup> The reign of George III provides several instances of conflict between the House of Commons and the electorate, and this was because of the character of a close corporation which the House possessed under the old representative system, and the powerful influence exerted upon it by the Crown. It needed the Reform Act, as symbolizing the Democratic Revolution, to end this divergence and to make a recurrence of it impossible for the future.

The Act, however, represented only one aspect of the movement to which it belonged. Peel, writing to Croker in 1820, speaks of 'a feeling becoming daily more general and more confirmed in favour of some undefined change in the mode of governing the country'.<sup>3</sup> 'Mode of

<sup>1</sup> Dicey, *Law of the Constitution*, p. 80.

<sup>2</sup> Dicey is not quite clear on this point; he seems to imply that the divergence ceased in 1688 with 'the foundation of a system of real representative government', which would be inaccurate, as the Revolution did not establish 'real representative government', nor did it bring to an end the divergence between the will of the sovereign and that of the nation, as the reign of George III shows. A truer date would have been 1832, the end of the old oligarchical régime.

<sup>3</sup> 'Don't you think', he also asked, 'that the tone of England is more liberal than the policy of the Government?' *Croker Papers*, i. 170; cited by Butler, *The Passing of the Great Reform Bill*, p. 36.

governing', be it observed, not merely mode of choosing the governors. The demand for a reform of Parliament was intertwined with a number of other aspirations—religious, philanthropic, social, and industrial—which sometimes thwarted one another, but all nourished the main purpose of bringing government into closer harmony with the needs of life. The first clear evidences of mass-consciousness in politics, and of public opinion as an active force, may be discerned in the reign of George III. But the moral case for the reform of the franchise was built up by the various crusades which instilled into the nation's mind conceptions of human progress of which the vote might be made the instrument—by the Evangelicals, by the Sunday School reformers (the first of whom was Robert Raikes), by the prison reformers (the greatest of whom was John Howard), and by the zealous band who attacked slavery and the slave trade—to name only a few of the various philanthropic enterprises of the period. These were 'the leaven of high purpose which wrought indefatigably in the lump of Georgian cynicism and brutality'.

## CHAPTER VI

### *George III and the Democratic Movement.*

THIS great movement towards democracy, permeating as it did every channel of human life in England, was bound to exert a very considerable influence on the mode and system of the government of the country. It was impossible that any institution could emerge without fundamental alteration in character and spirit, if not in form. Indeed, to the effects of the Democratic Revolution the great bulk of the changes in the English Constitution since 1688 may be attributed. It is not, therefore, in the least surprising that George III's system of personal government had no permanence, especially when its extreme anti-democratic character is considered. George III's power, in fact, as Lord Bryce aptly reminds us, was 'due to transitory causes'.<sup>1</sup>

These few words of Lord Bryce contain the crux of the whole question of George III's influence on the development of the Constitution, at once explaining the reason why his direct and permanent influence should appear to have been so slight, if not negligible. His attempt to revive some of the old personal rule of the Crown came at a time when a movement of completely opposite tendencies was developing. The sketch which has been given of George III's system of personal government shows, above everything else, how entirely it ran counter to popular aspirations of later years and to

<sup>1</sup> Bryce, *The American Commonwealth*, i. 35.

the democratic trend of ideas.<sup>1</sup> Such a system was only possible because of the general contentment of the country and the unrepresentative character of the House of Commons. In such a soil subserviency, intimidation, bribery, and corruption could flourish unchecked. There was but little outside force of public opinion to control Parliament, as there was also no electorate to which the House of Commons was to any considerable extent responsible<sup>2</sup>; nor could such a House, open as it was to the vast material resources of Crown influence, prove itself either a body fit to be entrusted with the sovereign powers of government or an adequate check on the Crown. Thus, not only did the permanence of George III's system depend on the personal character and disposition of the reigning monarch, but it depended to a much greater extent on the maintenance of these political conditions—conditions which the whole democratic movement sought to destroy. Before 1832 the change was slow because the new ideas had to encounter the full strength of

<sup>1</sup> It must not be thought, however, that George III was to any great extent antagonistic to the existing public opinion of the country. He was one of the most popular kings that ever lived with the average elector—with the middle classes and Tory squires. As a general rule his opinions and his prejudices were those of the average elector, and frequently they afford a good index to the public opinion of the time—so far as that can be estimated—e. g. in his views on the quarrel with the American colonies, in his distrust of parliamentary reform, in his resolute support of the war with Revolutionary France, and in his opposition to Catholic Emancipation. In all these questions 'the prejudices of the King were based on the prejudices of his people'. Nevertheless, before the outbreak of the French Revolution public opinion had begun to move in a progressive direction.

<sup>2</sup> The influence of public opinion on the House of Commons in the eighteenth century, though slight, was not negligible. Public opinion was never entirely ignored, and there is abundant proof that representatives did fear to incur the distrust and opposition of their constituents. See Porritt, i. 273-82.

prejudice, vested interests, and the conservatism both of Whigs and Tories, as well as, before the accession of William IV, the desperate and powerful opposition of the Court.<sup>1</sup> Nevertheless, though the gates were kept closed, the rising flood of Democracy had begun to trickle through, and, before the French Revolution temporarily barred the way to reform, several excellent schemes for redressing the abuses of Parliament had been carried, such as the Grenville Act of 1770<sup>2</sup> for remedying the evils of election petition trials, Lord Rockingham's Act of 1782 for the regulation of the civil list expenditure, the suppression of a number of offices connected with Government, and the abolition of secret pensions, together with the Place Act (Burke's) of the same year for the disfranchisement of revenue officers and the exclusion of government contractors,<sup>3</sup> not to mention a post-Revolution Act of 1809 for the prevention of corrupt practices in the obtaining of seats in Parliament, or the Grampound Disfranchisement Act of 1821. The Reform Act, however, by reforming, if only partially, the representation of the House of Commons, took away the foundation stone of the old system, thereby destroying the last remnants of the eighteenth-century mode of government.

The reformed House of Commons was at once stronger and weaker than its prototype. It was weaker in that it was brought into direct and close contact with an active and searching public opinion and was compelled to forgo that haughty independence of popular manifestations of feeling which characterized the Houses elected under the

<sup>1</sup> For the state of public opinion during this period, see Dicey, *Law and Opinion in England*, Lecture V, 'The Period of old Toryism'.

<sup>2</sup> 10 Geo. III, c. 16.

<sup>3</sup> 22 Geo. III, c. 45. See Porritt, i. 217-19.

old conditions. But at the same time, having the powerful support of the nation behind it, it lost its former dependence on the Crown or the peers and stood forth as the supreme body in the State, becoming by far the most important of the three which compose the sovereign power.

The House of Commons, moreover, obtained a firmer grip on the Executive, the responsibility of ministers becoming more real than it had been in George III's reign. Ministers of the eighteenth century had been in a sense just as dependent upon the opinions of the majority in the House of Commons as those of the nineteenth century became. The difference lay in the fact that, as Seeley has put it, 'we are accustomed to think that a statesman must have a majority before he can become minister, but in the eighteenth century a minister had a majority because he was a minister, and acquired a majority by becoming minister'.<sup>1</sup> George III in particular showed considerable ability at making, keeping, or destroying a majority for any Ministry, and before 1832, as Sir William Anson points out, almost any Ministry which enjoyed the support of the Crown could command such a majority as would enable it to hold office.<sup>2</sup> The history of Pitt's Ministry before the general election of 1784 might at first sight seem to provide an exception to that rule, but the result of the election is an almost conclusive proof of the decisive effect of Crown support. The victory of Pitt in this election was not, as is often supposed, a demonstration that public opinion

<sup>1</sup> Seeley, *Introduction to Political Science*, p. 285. Cp. Burke's *Corr.* i. 475, where Burke speaks of 'the actual possession of power' as one of the great securities of administration.

<sup>2</sup> Anson, ii, pt. i, p. 130.

was on his side and made itself felt in the result, for it is more than doubtful, in view of the political machinery then in use, and of the known means then used to gain majorities, whether in 1784 the popular wish, if there had been such a consensus of opinion, could have influenced the result of a particular election to any considerable degree.<sup>1</sup> It was, in fact, next to impossible to return a Parliament hostile to an eighteenth-century minister who had the favour of the king, and, as a contemporary pamphleteer pointed out in 1784, it had not been done for nearly a century previous to that date.<sup>2</sup> It seems to be beyond reasonable doubt that the results of elections in this period were due to influences other than popular. The Whigs themselves were convinced in 1784 that 'nothing but want of cash lost the elections', the length of the Treasury purse being greater than that of the Opposition purse.<sup>3</sup> Public opinion did not become the dominant factor in elections until after 1832.

The fact, however, that the attainment and possession of power by ministers was in a sense an application of the aphorism '*quod principi placuit legis habet vigorem*' was not the result wholly of bribery and corruption or of the electioneering and parliamentary practices of the Crown. It was also due to the undeveloped state of the political consciousness of the nation, the minister being regarded with profound deference just because he was a minister.<sup>4</sup> There was none of the same close and

<sup>1</sup> *E.H.R.* xxxi: W. T. Laprade, 'Public Opinion and the General Election of 1784', pp. 224-37.

<sup>2</sup> *A Glean of Comfort to this Distracted Empire*, &c., 22 Jan. 1785, p. 24.

<sup>3</sup> *Amer. Hist. Rev.* xviii: W. T. Laprade, 'W. Pitt and the Westminster Elections', p. 256.

<sup>4</sup> Cp. Pitt's speech on the repeal of the Stamp Act: 'The gentleman must not tell us that we passed the Act ourselves, and are, therefore,



critical inquiry into every act of administration which characterizes modern parliamentary procedure, and the actions of the executive were as a rule only opposed and criticized if they ran counter to the obvious welfare of the country or threatened the privileges of Parliament.<sup>1</sup> Deference, whether natural or imposed, to the royal wishes, either in ministerial appointments or in matters of policy was a marked feature of George III's reign, but it was a feature which was likely to, and did, tend to disappear as the political education of the people increased.

One most important cause of the increase in power of the minister at the expense of the Crown was the growth of legislation after the Industrial Revolution. The effects of this so-called Industrial Revolution became increasingly active after the period of repression and reaction ensuing from the French Revolution. The tremendous social and economic changes of these years—the immense increase in wealth and population of the nation, the growth of the huge manufacturing towns of the North and the Midlands, or, in other words, the development of the new England of the nineteenth century—caused a demand for fresh legislation in every department such as had never been known before, and resulted in the extraordinary prominence of the legislative function of Parliament in modern times. The legislation demanded, moreover, by the new England of the nineteenth century

as much responsible for it as he is. No! We took it on his credit as minister. . . . I wish the House had n't this habit, but so it is. Even that chair, Mr. Speaker, looks too often towards St. James', cited by Sidgwick, *Development of European Polity*, p. 408.

<sup>1</sup> Cp. Anson, ii, pt. i, p. 132: 'There is no instance before 1830 of a Ministry retiring because it was beaten on a question of legislation or even of taxation.'

was of an altogether different nature from that which occupied the minds of Georgian statesmen, nor was it on questions in which the Crown was specially interested or concerned or on which it was competent to form a judgement.<sup>1</sup> The questions were those of parliamentary, economic, legal, social, and ecclesiastical reform—such as the repeal of the Corn Laws, the improvement of industrial conditions, the revision of the Criminal Code, the reform of the Poor Law, Education, the extension of local government, the relief of Roman Catholics and of Dissenters. These were questions which were the more immediate concern of the people, and for which it was more necessary for ministers to have the support of the representatives of the people than that of the Crown. There can also be little doubt that the growth in the wealth and population of the nation lessened the prestige and importance of the Court; its awe-inspiring greatness, already lessened by the habits of life of the reigning house, tended to disappear in the crowded, commercial, manufacturing England of George IV. It becomes, then, quite evident that with the Democratic movement, and especially with the House of Commons losing its unrepresentative character, the power and influence of the Crown as it had existed in George III's reign was inevitably doomed.

However, although the conclusion has thus been reached that George III's direct positive influence on the development of the Constitution was negligible, and that what enlarged power he had was due largely to transitory circumstances, it is none the less true that he

<sup>1</sup> Seeley, *Introduction to Political Science*, p. 290.

did exercise a very considerable influence—but it was an influence working in a direction the very opposite to that which George intended. He strove against constitutional reform,<sup>1</sup> and yet by his very striving against the movement, he did much to further it. One is forcibly reminded of the similar fate of Napoleon, who, in doing his utmost to prevent the rise of nationalism in Germany, defeated his own ends: he moulded the very weapon which was to destroy him, and has gone down to history as one of the makers of modern Germany.<sup>2</sup> In much the same way George III, by his very steps to strengthen monarchy against liberalism, only succeeded in strengthening liberalism against monarchy. He became the sport of what might almost, to borrow a psychologist's term, be called 'the law of reversed effort'. At every step he displayed to the gaze of all the great inherent defects of the Constitution as it then existed, and the evils to which they led. That the House of Commons was unrepresentative became self-evident. In 1762 Pitt, the national hero, was driven out of office without difficulty. Then followed the wearisome controversies with John Wilkes, particularly over the Middlesex elections. These instances alone suffice to show that as a rule only a mere echo of the violent popular agitations which disturbed the country ever penetrated the walls of Parliament. Perhaps, indeed, the policy most important in

<sup>1</sup> See *Geo. III Corr.* i. 14, 169, 240. Also Porritt, i. 419, 420; and *Chatham MSS.* ciii, letters of the King to W. Pitt of 20 March 1785, and 8 May 1793: 'I most devoutly pray to Heaven that this Constitution may remain unimpaired to the latest Posterity as a proof of the Wisdom of the Nation and its knowledge of the superior blessings it enjoys.'

<sup>2</sup> Fisher, *Napoleonic Statesmanship, Germany*, p. 383: 'Out of Jena and Auerstädt sprang the resurrection of Prussia, the war of Liberation, and the ultimate modern German Empire.'

its results that George III ever pursued, was the ready acceptance of Wilkes's challenge and the relentless pursuit of the quarrel far beyond the bounds of expediency, legality, or reason. Further, the lavish and successful use of the various sources of Crown influence—the notorious bribery of members of the Lower House with offices and with money, the corrupt manner in which elections were conducted, and the resulting general condition of subserviency in Parliament—evils which had been considerably aggravated since the days of Walpole and the Pelhams—these were the direct causes of the demand for economic reform.<sup>1</sup>

The failure of the American War also gave a further impetus to the reforming movement.<sup>2</sup> For the outbreak of that conflict the king bears responsibility jointly with his ministers, with Parliament and with the nation, but for the stubborn, seemingly hopeless, perseverance in it during the later stages, he was alone responsible. He inflexibly pursued his policy, notwithstanding the earnest representations of his chief minister,<sup>3</sup> the increasing opposition in Parliament,<sup>4</sup> and the manifest feeling in the nation generally. The failure of the period of real personal rule by the Crown must have appeared as a glaring object-lesson in the defective state of the

<sup>1</sup> See Porritt, i. 282: 'From 1780 to 1782 the demand (i.e. for reform) was summed up in the phrase "Economy and Reform".'

<sup>2</sup> See *ibid.* i. 456: 'Out of the unsuccessful struggle with the American colonies, there came the movements for economic and Parliamentary reform.'

<sup>3</sup> *Geo. III Corr.* ii. 199, 214, 257; Brougham's *Works*, iii. 127; *cp. Parl. Hist.* xix. 857.

<sup>4</sup> See *Parl. Hist.* xxii. The Government majority dwindled from seventy-three on 12 June 1781, to forty-one on 15 Dec., twenty-two on 20 Feb. 1782, and finally the Ministry resigned in March 1782. *Geo. III Corr.* ii. 377, 397, 410.

Constitution, and especially of the dangers incurred by allowing the Crown too much influence on the policy and actions of the ministers.

Indeed, during the early stages of the reform movement, down in fact to the French Revolution, the reformers directed their efforts almost entirely against the power of the Crown. It seemed as if George III's efforts at personal government had vitalized for a time the declining theory that the main duty of Parliament, and especially of the House of Commons, was to check and oppose the king.<sup>1</sup> This theory was a reality—indeed a new reality—in the seventeenth century, but, though it was still a potent tradition in the days of Speaker Onslow,<sup>2</sup> it subsequently became in time a mere survival through the effects produced by the developed system of cabinet government. The common language of writers of George III's time, such as Junius and Wilkes, the extemporaneous speech of Alderman Beckford at the presentation of the second 'Remonstrance' to the king from the City Corporation in May 1770,<sup>3</sup> and the proceedings in the House of Commons at various times, particularly Dunning's famous motion on the growing influence of the Crown<sup>4</sup>—all seem to show that

<sup>1</sup> Redlich, *Procedure of the House of Commons*, i: Ilbert's Preface, xx. See also *Hist. MSS. Comm.*, Rep. XIII, App. III, 214, where the crucial importance attached by politicians of the day to this question of Crown influence is shown by a letter from Lord Temple to W. W. Grenville, 31 July 1783, in which he said that he saw the necessity of refusing to take part in 'an Administration whose systematic principle is to replace in the hands of the Crown that mass of influence which has in the last eighteen months been taken from it'.

<sup>2</sup> Speaker from 1727 to 1761; for 'the evolution of the Non-partizan Speaker', see Porritt, i, chap. xxii.

<sup>3</sup> *Geo. III Corr.* i, 28. See also Stanhope (Mahon), *History*, pp. 273, 409-11; Hunt, p. 111.

<sup>4</sup> 6 April 1780: carried by 233 votes to 215.

a considerable strain had been put upon the constitutional maxim that 'the king can do no wrong'. It is true that the efforts for reform died away when the abuses arising from, or closely connected with, the king's personal government had been mitigated, and that when the agitation was revived it was largely under the impetus of the new social and economic conditions in the country, which led the reformers to 'base their measures rather on the claims of the people than on the iniquities of the Crown'.<sup>1</sup> The Crown was then no longer the chief exploiter of imperfect institutions. Nevertheless, the reform movement before and after the revolutionary interlude was in reality one and indivisible, and the occasion, though not the underlying cause, of its rise and early developments was the unscrupulous and immoderate use that George III made of a defective Constitution, and the undue prominence which he thereby gave to those defects.

Other results that George involuntarily helped to achieve were the transformation of the Whig party, and a general growth in the party system—changes which had far-reaching consequences: the rehabilitation of the dismembered and discredited Tory party and the overthrow of the Whig régime prepared the way for the great constitutional developments of the succeeding period. The party, which had since 1688 nearly monopolized power and had by its ministers controlled kings whose dynasty was of Whig creation, was in 1762 driven into opposition, and was henceforth as completely excluded from office as the Tories had been before 1760. Faced with the intense and permanent hostility of king and Court, and much weakened on that account, the

<sup>1</sup> See Butler, *Passing of the Great Reform Bill*, p. 16; also p. 12.

Whigs were compelled, like many another 'party in opposition', to look to a different quarter for support, and their policy became more and more associated with popular liberties, with schemes for reform and with resistance to the encroachments of the royal power.<sup>1</sup> Being hard hit by the insidious and potent operations of Crown influence, they were also compelled in many ways to strengthen and develop the party organization, until from the ruins of the old aristocratic and oligarchical factions of the days of Walpole and the Pelhams there grew up a party 'not strong, in numbers or Parliamentary influence, but connected by a determination to resist Royal influence, and claiming that if they were to serve the King at all they must come into office as a party with a leader of their own'.<sup>2</sup> The growth of this party and of the party system in general, with its new lines of divisions, was undoubtedly much stimulated and influenced by Burke<sup>3</sup>; but Burke himself was strongly swayed by the belief that a powerful system of party government was necessary as an antidote to the undue influence of the Crown, and as the only method of putting an end to the impotence of administrations, such as that of the successive governments of the first twenty-five years of George III's reign.<sup>4</sup> From this comparatively small body of Opposition Whigs, led at first by Lord Rockingham, sprang the new Whig party of C. J. Fox, Lord John Russell, and Earl Grey, and from it the

<sup>1</sup> May, i. 405.

<sup>2</sup> Anson, ii, pt. i, 116. See also Burke's *Corr.* i. 133: Letter to Rockingham, 1 Aug. 1767, *re* a conversation with Conway, 'I told him that your lordship's opinion of the duty of a leader of party was to take more care of his friends than of himself; and that the world greatly mistook you if they imagined that you would come in otherwise than in corps'.

<sup>3</sup> Lecky, iii. 293.

<sup>4</sup> *Ibid.* iii. 363, 399.

modern Liberal party.<sup>1</sup> The Whigs of Opposition became the Whigs of Reform. Thus, again, it may be seen that George III's attempt to restore the personal influence of the monarch, so far from strengthening the throne, advanced the popular cause by giving to it powerful leaders whose interests had hitherto been enlisted on the side of the Crown.

The growth of this new Whig group, however, besides accelerating the progress towards democracy and revolutionizing the old Whig party, had also a very considerable influence on the development of the modern cabinet system. The essentials of 'cabinet government' formed part of the theory and aims of the Rockingham Whigs.<sup>2</sup> They demanded that, if they were to form an administration, it had to be as a party under their own leader. This demand was the direct result of the application of George III's ideas of true government in the Chatham, Grafton, and North Administrations, when every effort was made to break up parties and to form, what Lord North afterwards termed, 'Government by departments'.<sup>3</sup> During this period the Rockingham Whigs steadily adhered to their principles, notwithstanding the frequent attempts of the king to dissolve their union and induce some of them to desert their associates and accept office.<sup>4</sup> The attempts failed. More than that, however, resulted. The defeat of the North Government, and virtually of

<sup>1</sup> See Butler, *Passing of the Great Reform Bill*, chap. i.

<sup>2</sup> Anson, ii, pt. i, 116.

<sup>3</sup> *D.N.B.* xli: 'Lord North', p. 161.

<sup>4</sup> See Winstanley, *Chatham and the Whig Opposition*; cp. *Chatham MSS.*, P. R. O. ciii: Letter of 15 Feb. 1784: George III was willing to negotiate with the Opposition for the formation of an Administration on the one condition that they 'give up the idea of having the administration in their hands and come in as a respectable part of one on a broad basis'.



George III himself, in 1782, after the failure of the American War, let in the Whigs and with them their principles. The victory of the Whigs, though of short duration, had permanent results of great importance. They handed on their political tenets to their successors, who gave them practical application. They were accepted by Fox through political association with the Whigs. They were now received by North as a result of his previous experience of royal methods of government. The short term of office of the Coalition witnessed the disappearance of the dual cabinet system, leaving only the small efficient body composed of the heads of the chief executive offices.<sup>1</sup> Though in 1784 the Tory party began their almost unbroken tenure of office for forty-five years, the growth of the modern cabinet system continued. During Pitt's administration the political homogeneity of the Cabinet, the mutual responsibility of its members and common acceptance of the leadership of a 'Prime Minister' were secured and generally accepted.<sup>2</sup> Thus, from 'the welter of selfish interests and family combinations', there emerged the modern system of 'Government by party, acting by Cabinet'.<sup>3</sup> The attempt of George III to resist the anti-autocratic process of the previous two centuries ended in comparative failure, and merely substituted the ascendancy of the Prime Minister for that of the Whig oligarchy.

<sup>1</sup> Anson, *E.H.R.* xxix. 77. See above, pp. 27-8.

<sup>2</sup> Lecky, v. 283. See also Hunt, p. 280.

<sup>3</sup> Acton, *Lectures on Modern History*, p. 274: Acton attributed this change to 1714, but in this he anticipated facts. Contrast Porritt, i. 456: 'never during the reign of George III did the Cabinet system exist as we know it to-day, when the Crown has been dissevered from all active connection with the electorate . . . and never forces a prime minister on Parliament as George III did in the case of Addington, and as William IV did in that of Peel'.

## CHAPTER VII

### *Conclusion.*

THE task of estimating, in any summary form, the influence of George III on the development of the Constitution is one of more than ordinary difficulty. In this task, as indeed in discussing all modern constitutional questions, it is obvious that there is one prime difficulty which has been recognized both by Professor Maitland and by Professor Dicey.<sup>1</sup> Since the Revolution of 1688, as the latter writer points out, there have been few changes in English constitutional law. That is to say, there have been few changes in the rules enforced in, or recognized by, the Courts, and to none of the statutes passed can the great constitutional changes that have since occurred be attributed. These changes have been the product of the growth of what are termed 'the Conventions of the Constitution'. These conventions form a code of political morality, of precepts and practices, of understandings, which, though not laws proper, are in practice as well understood and almost as effectual as statute law or common law. They have, moreover, introduced a certain element of vagueness in discussions upon modern constitutional questions, which, from the point of view of the student, is unfortunate. Precision, especially when examining the modern status of the monarch, cannot be expected,<sup>2</sup> and it certainly is not a

<sup>1</sup> Maitland, *Constitutional History*, pp. 341-3 ; Dicey, *Law of the Constitution*, Introduction.

<sup>2</sup> Dicey, *Law of the Constitution*, p. 399.

prominent characteristic of any work on the subject. If the cabinet system had been established by statute, or if the personal influence of the Crown upon ministers and upon affairs of state had been definitely and directly limited by law, the task of estimating George III's influence on the Constitution would have been much simplified. This being so, one is compelled to discuss the question in very general terms, and to restrict one's attention to indicating the general lines along which George exercised an influence.

Besides being an influence vague and obscure, and possessing no definable dimensions, it was extraordinarily mixed and had very opposite effects. George III was, above all else, a Conservative. This fact is apparent in his attitude towards religious matters, but particularly is it so in his dealings with constitutional questions. As has been pointed out, the postponement of the victory of the parliamentary reform movement for a generation was due as much as anything else to the resolute and constant opposition of the king.<sup>1</sup> In various other directions also he clearly exercised an important negative influence on the development of the Constitution, and it is undoubtedly true to say of him that he did more than any other statesman to postpone a number of most essential reforms—and with serious consequences. To his influence, together with the effects of the French Revolution and the extreme conservative policy of the stern unbending Tories of the Eldon type, may be attributed that period which lasted until about the time of his death—the period which Dicey terms 'the period of Old Toryism or Legislative Quiescence'.<sup>2</sup> Roman Catholic Emancipation,

<sup>1</sup> See above, pp. 10, 57, 58.

<sup>2</sup> Dicey, *Law and Opinion in England*, p. 62.

moreover, was not gained until 1829—a delay which undoubtedly had lasting evil results in Ireland, and for which George III must bear a large share of responsibility.<sup>1</sup>

But this is only one side of his influence. The other is more intangible, more vague, but at the same time, perhaps, even more important. Its character may be termed reverse or reactive. His very attempt to stay the advance of progress and reform resulted in a great leap forward along that same road. The growth of the cabinet system, the development of modern political parties, the demand for constitutional and economic reform, were all, in part, the results of a reaction against George's methods and ideas of government.

To state that George III was at first the indirect cause of the reform movement, but was also later the principal agent in the postponement of its accomplishment sounds paradoxical. But it is not really so. This phenomenon—if such it can be termed—frequently has its counterpart in the history of religion. Amongst the extensive records of that branch of history analogous instances are found where some great state religion became decadent and corrupt. An impulse was given towards reforming zeal—perhaps, a fanatical sect of reformers grew up. What followed in so many instances was persistent persecution of the sect by the official priesthood or by some powerful royal champion of the state creed. Repression, whether permanent or temporary, complete or partial, would be the result, until the strong hand of intolerance weakened and the new movement allowed free development.<sup>2</sup> When George III gave rein

<sup>1</sup> See Appendix II.

<sup>2</sup> The history of Sikhism—to cite only one example—is an illustration

to his autocratic inclinations, when he supported the Commons in their attack on the rights of the electorate, when he exploited to the fullest extent the many sources of corruption, when he heaped up great debts—a like development followed. All the king's Conservative instincts came to the front ; all his resolute will and energy he now had to use to repel the demand for change and reform. The repression was only temporary, but for thirty or forty years it was well nigh complete.

Further, from the account given of his system of personal government, of his relations with his ministers, with Parliament, and with the electorate, one fact seems clearly to emerge, and that is that whatever influence George III exercised was exercised more on the government than on the constitution of the country. It was rather that he temporarily controlled or modified the everyday action of the several administrative bodies that together form the instrument of government than that he permanently altered the structure or changed the mode in which that instrument worked. In other words, he influenced the momentary and daily operation of the Constitution, more than its permanent and determined scheme of action.

The reign of George III in constitutional history is, therefore, more important than has sometimes been recognized. It may not be so imposing as that of Henry VIII, nor so momentous in its results as the reigns of the four Stuart kings ; but to those interested in the Constitution as it is, rather than as it was, George III should be as fruitful a study as any of his predecessors. History knows him as the reviver of the personal influence in point. (See *The Sikhs and their History*, by the Author : privately printed, but in the Bodleian, London, and other libraries.)

and authority of the Crown. Lecky stated but a half truth when he said that 'the gradual contraction of the governing powers of the English sovereign is one of the most striking political factors in the eighteenth century'.<sup>1</sup> For George III temporarily held up the strong current on which, before 1760, the monarchy had been steadily drifting from the position of direct coercive authority to its present position of indirect moral influence, as Mr. Gladstone described it. When the flow recommenced towards the close of the eighteenth century it was under different conditions. Its source had previously been the exclusiveness of an oligarchical body of Whig nobles, but the stream now drew its waters from the inexhaustible springs of democracy. Flowing from such a source the current of constitutional development could no longer be held back or diverted from its course by the force of a reinvigorated monarchy.

<sup>1</sup> Lecky, v. 285.

## A P P E N D I X I

THE following three letters of George III have already been published, but, on account of their peculiar historical and constitutional interest and of the insight which they afford into George III's constitutional and political principles, they are reproduced here in full :—

### I. *The King to Lord Temple.*

Written on the occasion of the formation in 1783 of the Coalition between C. J. Fox and Lord North which overthrew the Shelburne Ministry. See Buckingham, *Courts and Cabinets of George III*, vol. i, p. 218.

‘ Queen’s House,

‘ April 1st, 1783.

‘ MY LORD,

‘ Since the conversation which I had with Mr. William Grenville on the 16th of last month, I have continued every possible means of forming an administration. An experience of now above 20 years convinces me that it is impossible to erect a stable Administration within the narrow bounds of any faction, for none deserve the appellation of party; and that in an age when disobedience to law and authority is as prevalent as a thirst after changes in the best of all political constitutions, it requires temper and sagacity, to stem these evils, which alone can be expected from a collection of the best and most calm heads and hearts the kingdom possesses.

‘ Judge, therefore, of the uneasiness of my mind, at having been thwarted in every attempt to keep the administration of public affairs out of the hands of the most unprincipled coalition the annals of this or any other nation can equal. I have withstood it till not a single man is willing to come to my assistance, and till the House of Commons have taken every step, but insisting on this faction being by name elected Ministers.

‘To end a conflict which stops every wheel of Government, and which would affect public credit if it continued much longer, I intend this night to acquaint that *grateful* Lord North, that the seven Cabinet Councillors the Coalition has named shall kiss hands tomorrow, and then form their arrangements, as the former negotiation they did not condescend to open to many of their intentions.<sup>1</sup>

‘A ministry which I have avowedly attempted to avoid by calling on every other description of men, cannot be supposed to have either my favour or confidence ; and as such, I shall most certainly refuse any honours they may ask for. I trust the eyes of the nation will soon be opened, as my sorrow may prove fatal to my health, if I remain long in this thralldom. I trust that you will be steady in your attachment to me, and ready to join other honest men in watching the conduct of this unnatural combination, and I hope many months will not elapse before the Grenvilles, the Pitts, and other men of abilities and character will relieve me from a situation that nothing could have compelled me to submit to, but the supposition that no other means remained of preventing the public finances from being materially affected.

‘GEORGE R.’

## II. *The King to William Pitt.*

Written during the period when Pitt as Prime Minister had to face the determined hostility of the majority in the House of Commons. *Chatham MSS.*, P. R. O., vol. ciii ; see also Stanhope, *Life of Pitt*, vol. i, Appendix, p. vi.

‘February 4th, 1784.

‘The whole conduct of [the] Opposition confirms the opinion I gave very early of its dangerous intentions of going step by step as far as the House of Commons can be led, avoiding if

<sup>1</sup> The obscurity of this passage may be removed by a slight alteration : ‘as *in* the former negotiation they did not condescend to open *too* many of their intentions.’



possible any avowed illegality of conduct, but not looking to the spirit either of the Constitution or of Justice. The directing the Resolution of Monday to be brought to me, without having proved any charge against Administration or indeed pretending to any, must make every man of reflection grieve that the House can be carried such lengths.

‘I trust the House of Lords will this Day feel that the Hour is come for which the Wisdom of our Ancestors established that respectable Corps in the State to prevent either the Crown or the Commons from encroaching on the Rights of each other. Indeed, should not the Lords stand boldly forth, this constitution must soon be changed; for if the two only remaining Privileges of the Crown are infringed, that of Negating Bills that have passed both Houses of Parliament, or that of naming the Ministers to be employed, I cannot but feel as far as regards my Person, that I can be no longer of utility to this country, nor can with Honour continue in this Island.

‘G. R.’

### III. *The King to William Pitt.*

*Chatham MSS.*, P. R. O., vol. ciii; see also Stanhope, *Life of Pitt*, vol. i, Appendix, p. xv.

‘March 20th. 1785.

‘I have received Mr. Pitt’s paper containing the heads of his plan for a Parliamentary Reform, which I look upon as a mark of attention. I should have delayed acknowledging the receipt of it till I saw him on Monday, had not his letter expressed that there is but one issue of the business he could look upon as fatal: that is, the possibility of the measure being rejected by the weight of those who are supposed to be connected with government. Mr. Pitt must recollect that though I have thought it unfortunate that he had early engaged himself in this measure, yet that I have ever said that as he was clear of the propriety of the measure, he ought to lay his thoughts before the House; that out of personal regard to him, I should

avoid giving any opinion to anyone on the opening of the door to Parliamentary Reform except to him; therefore I am certain Mr. Pitt cannot suspect my having influenced anyone on the occasion; if others choose for base ends to impute such a conduct to me, I must bear it as former false suggestions. Indeed on a question of such magnitude I should think very ill of any man who took a part on either side without the maturest consideration, and who would suffer his civility to anyone to make him vote contrary to his own opinion.

‘G. R.’

## A P P E N D I X I I

The following letter (possibly now published for the first time) is to be found amongst the *Chatham and Pitt MSS.*, vol. ciii (the King's letters to William Pitt), at the Public Record Office. It is of unique importance because of the full exposition that it gives of George III's views on the question of Roman Catholic Emancipation. The occasion for the letter was the receipt of proposals from the Lord Lieutenant of Ireland (Lord Fitzwilliam) for the immediate grant of the Roman Catholic claims in Ireland, including the admission of Roman Catholics to Parliament.

‘Queen's House,

‘6th February, 1795.

‘Having yesterday after the Drawing Room seen the Duke of Portland, who mentioned the receipt of letters from the Lord Lieutenant of Ireland, which to my greatest astonishment propose the total change of the Principles of Government, which have been followed by every Administration in that Kingdom, since the abdication of King James the Second, and consequently overturning the fabrick (*sic*) that the Wisdom of our Forefathers esteemed necessary, and which the Laws of this Country have directed; and thus after no longer stay than

three weeks in Ireland, venturing to condemn the labours of Ages, and wanting an immediate addoption (*sic*) of ideas which every Man of Property in Ireland, and every Friend to the Protestant Religion must feel diametrically contrary to those he has imbibed from his earliest youth.

‘Undoubtedly the Duke of Portland made this communication to sound my Sentiments previous to the Cabinet meeting to be held tomorrow on this weighty subject ; I expressed my surprise at the idea of admitting the Roman Catholics to vote in Parliament, but chose to avoid entering farther into the subject, and only heard the substance of the propositions without giving my sentiments ; but the more I reflect on this subject, the more I feel the danger of the Proposal ; and therefore should not think myself free from blame, if I did not put my thoughts on paper even in the present coarse shape, the moment being so pressing and not sufficient time to arrange them in a more digested state, previous to the Duke of Portland’s laying the subject before the Cabinet.

‘The above proposal is contrary to the conduct of every European Government and I believe to that of every State on the Globe. In the States of Germany the Lutheran, Calvinist and Roman Catholic Religions are universally permitted, yet each respective state has but one Church Establishment, to which the States of the Country and those holding any Civil Employment must be Conformists ; Court Officers and Military Commissions may be held also by persons of the other Persuasions, but the number of such is very small. The Dutch Provinces admit Lutherans and Roman Catholics in some subsidized Regiments, but in all Civil Employments the Calvinists are alone capable of holding them.

‘Ireland varies from most other countries, by Property residing almost entirely in the hand of the Protestants, whilst the lower classes of the People are chiefly Roman Catholics : the changes proposed therefore must disoblige the greater number to benefit a few, the inferior orders not being of rank

to gain personally by the change ; that they may also be gainers it is proposed that an Army may constantly be kept in Ireland and also a kind of Yeomanry which in reality would be a Roman Catholic Police Corps, which would keep the Protestant Interest in awe.

‘It is but fair to confess that the whole of this Plan is the strongest justification of the Old Servants of the Crown in Ireland, for having objected to the former indulgences that have been granted,’ as it is now pretended those have availed nothing, unless this total change of Political Principle be admitted.

‘English Government ought well to consider before it gives any encouragement to a proposition which cannot fail sooner or later to separate the two Kingdoms, or by way of establishing a similar line of conduct in this Kingdom, addopt (*sic*) measures to prevent which my Family was invited to mount the Throne of this Kingdom, in preference to the House of Savoy.

‘One might suppose the Authors of this Scheme had not viewed the tendency or extent of the question but were actuated by the peevish inclination of humiliating the old Friends of English Government in Ireland, or from the desire of paying implicit obedience to the heated imagination of Mr. Burke.<sup>2</sup>

‘Besides the discontent and changes which must be occasioned by the dereliction of all the Principles that have been held as Wise by our Ancestors, it is impossible to foresee how far it may alienate the minds of this Kingdom ; for though I fear Religion is but little attended to by persons of rank and that the word Toleration, or rather Indifference to

<sup>1</sup> Presumably this refers to the Catholic Relief Act of 1793, which admitted Roman Catholics to the grand juries, magistracy, and, finally, to the franchise, at the same time repealing the Act which prohibited the bearing of arms, and to an Act of the previous year, admitting Catholics to the profession of the law, removing restrictions on their education, and repealing the Inter-Marriage Act.

<sup>2</sup> Mr. Richard Burke.

that Sacred Subject, has been too much admitted by them, yet the bulk of the Nation has not been spoilt by Foreign Travels and Manners, and still feels the blessing of having a fixed principle from whence the source of every tye (*sic*) to Society and Government must trace its origin.

‘I cannot conclude without expressing that the business is beyond the decision of any Cabinet of Ministers, that could they form any opinion in favour of such a measure, it would be highly dangerous without previous concert with the leading Men of every Order in the State, to send any encouragement to the Lord Lieutenant on this subject.

‘G. R.’

## APPENDIX III

### *On Authorities.*

The range of authorities which may profitably be consulted on the subject is very wide. The list given below probably includes the most important sources of information.

(1) For works dealing, in particular, with the reign of George III, any of those mentioned in the list of authorities appended to Dr. Hunt’s volume on the History of England from 1760 to 1801 (*The Political History of England*, vol. x) may be consulted with advantage; as also the bibliography in *The Cambridge Modern History*, vol. vi, p. 902.

A. Secondary works dealing with the reign, but in its more general aspects:—

Lecky, W. E. H.: *History of England in the Eighteenth Century*, 7 vols., of which vols. iii and v are the most valuable for the subject of this Essay.

Winstanley: *Personal and Party Government*, and *Chatham and the Whig Opposition*—both useful.

Hunt, W.: *History of England, 1760-1801*.

Trevelyan, Sir G. O. : *The American Revolution*, parts i and ii and subsequent volumes—of no great value from a constitutional point of view.

Rose, J. Holland : *William Pitt and the National Revival*.

— — — *William Pitt and the Great War*.

Stanhope, Earl : *Life of Pitt*, 4 vols.

B. Of the numerous political memoirs and correspondence of the period, the following include some of the most important :—

*George III's Correspondence with W. Pitt*—this is preserved amongst the *Chatham and Pitt MSS.*, vols. ciii and civ, at the Public Record Office. Extracts from it have been published in the Appendix to Stanhope's *Life of Pitt*, but they are very meagre and fragmentary. This correspondence is particularly valuable for the years 1783 and 1784.

*The Reports of the Historical Manuscripts Commission*, of which three collections of papers are of especial importance—the *Abergavenny MSS.* (10th Report, Appendix, pt. vi), for the political correspondence of John Robinson, Secretary to the Treasury, the *Knox MSS.* (*Various*, vol. vi), and the *Fortescue MSS.* (preserved at Dropmore) for the King's Correspondence with Lord Grenville.

*The Correspondence of George III with Lord North, 1768–1785*, 2 vols., edited by W. B. Donne — of great value and importance for showing the king's system of personal government in full working, the position held by Lord North under it, and the manner in which the king attempted to be his own Prime Minister.

*The Grenville Papers*, edited by W. J. Smith, 4 vols.—chiefly valuable for showing the relations between the king and his first minister during George Grenville's administration.

*The Chatham Correspondence*, edited by Taylor and Pringle, 4 vols.

*The Autobiography and Political Correspondence of the Duke of Grafton*, edited by Sir William Anson.

*Courts and Cabinets of George III*, edited by the Duke of Buckingham, 4 vols. From a constitutional point of view, vol. i is of chief value, especially for the king's relations with Lord Temple in 1783.

All Burke's speeches, pamphlets, and letters are of considerable importance, particularly his pamphlet on the *Causes of the Present Discontents*, and his *Correspondence*, 4 vols. (edited by Earl Fitzwilliam and Gen. Sir R. Bourke).

*Memoirs of the Marquis of Rockingham and his Contemporaries*, edited by the Earl of Albemarle, 2 vols. — contains a few valuable letters and illustrates the policy of the Rockingham Whigs.

The *Melville Papers* (in private ownership). An important political correspondence addressed to Henry Dundas, Viscount Melville, Secretary for War, 1794–1801, First Lord of the Admiralty, 1804–5. Amongst the Papers are a large number of letters from George III, 1791–1805, in many of which he complains of the Cabinet withholding information from him.

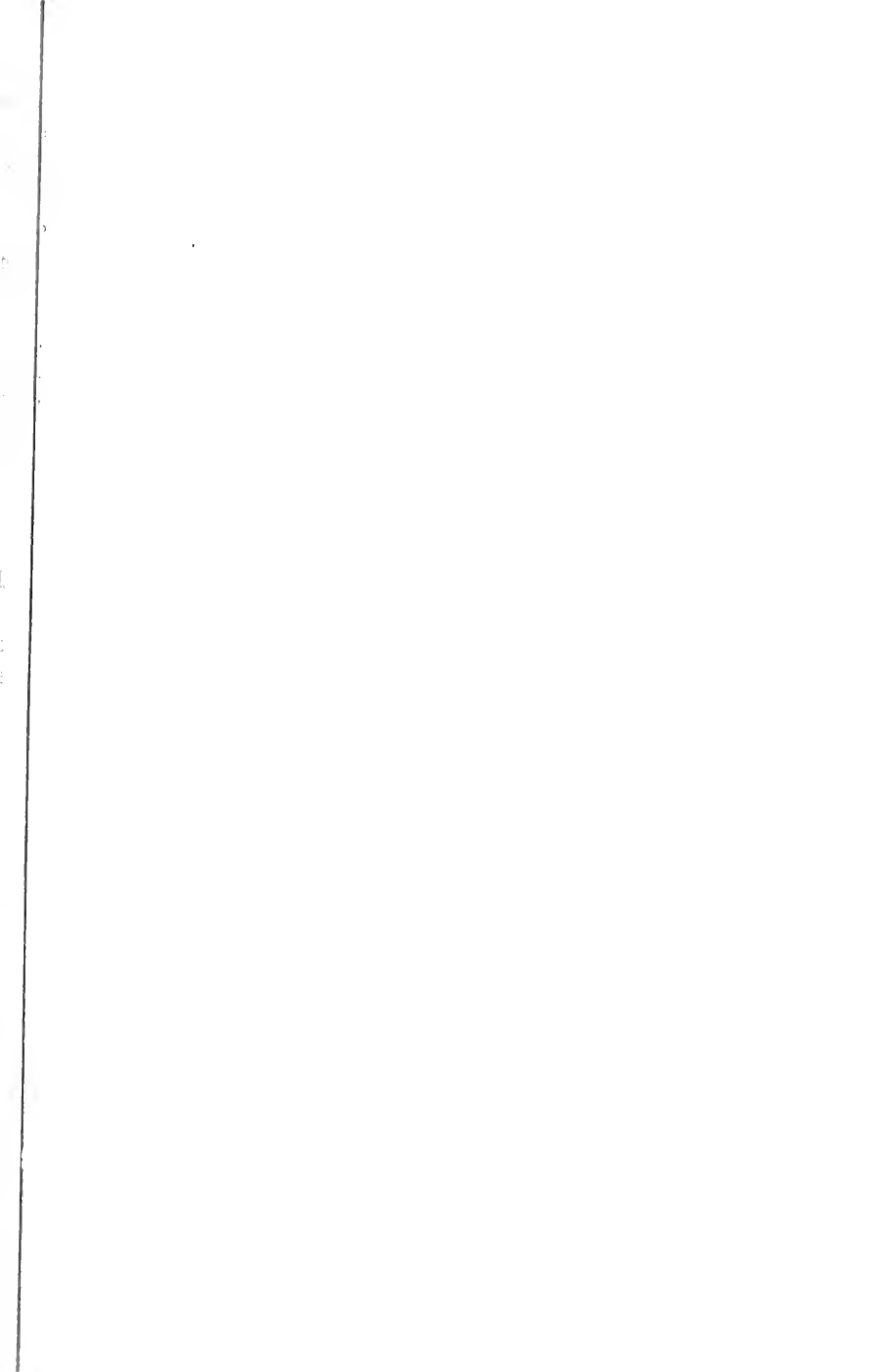
The vast *Additional Manuscripts*, including the Duke of Newcastle's papers, preserved in the British Museum. Much use is made of these by Winstanley in his two works, already mentioned. These MSS. are probably of greatest constitutional value for tracing the growth of the Cabinet system. Amongst those which throw most light on the period are the correspondence of George III with John Robinson, Secretary to the Treasury, 2nd August 1772 to 1st November 1784; three volumes, Add. MSS. 37833–37835.

The *Parliamentary History*, xv–xxxv, and Dodsley's *Annual Register*, should also not be overlooked.

(2) Among the works used in the preparation of this Essay are the following, which deal, directly or indirectly, with the modern constitutional history of England:—

- Dicey, A. V. : *Introduction to the Study of the Law of the Constitution*.
- Anson, Sir W. : *The Law and Custom of the Constitution*, 3 vols.
- Bagehot, W. : *The English Constitution*.
- Lowell, A. L. : *The Government of England*, 2 vols.
- May, Sir T. E. : *Constitutional History of England from 1760 to 1860*, 2 vols.
- Pollard, A. F. : *The Evolution of Parliament*.
- Seeley, Sir J. : *Introduction to Political Science*.
- Dicey, A. V. : *Law and Opinion in England during the Nineteenth Century*.
- Porritt, E. and A. G. : *The Unreformed House of Commons*, 2 vols.
- Butler : *The Passing of the Great Reform Bill*.
- Veitch : *The Genesis of Parliamentary Reform*.
- Dictionary of National Biography* : Articles on George III, Lord North, &c.
- English Historical Review* : vols. xxix, p. 56, xxxi, pp. 224 and 545, and xxxii, p. 192 — particularly valuable for three articles on the development of the Cabinet System.
- American Historical Review* : especially vols. xviii, p. 253, and xix, p. 27.
- Transactions of the Royal Historical Society*, vol. xiii.







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